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Supreme Court, } January Term, A.D. 1909.
Territory of Arizona. } Phoenix, Arizona, Wednesday, January 20, 1909.

Court Opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M Doan, " "
" John H Campbell, " "
" Frederick S. Nave, " "
F. A. Gritle Jr., Clerk.
M H Caldwood, Crier,
F J Duncan, Bailiff.

The following business was transacted.

Louis V. Leyvinge,
Appellant,
vs.
No. 252. Territory of Arizona,
Respondent.

The hearing in this cause having been continued from yesterday, was argued by Mr. E. S. Clark for Respondent, and ordered submitted.

Louis V. Leyvinge,
Appellant,
vs.
No. 252. Territory of Arizona,
Respondent.

At this day in motion of Mr. E. S. Clark, attorney for Respondent herein, it is ordered by the Court that he be granted leave to file References to Transcript of Evidence.

Jan. 20, '09

No. 265.

Quong Yu,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause coming on at this time for hearing was argued by Mr. A. C. Baker for Appellant and Mr. E. D. Clark for Respondent and cause ordered submitted.

No. 1091.

Frances J. Abell,
(Plaintiff in Error,
vs.
George H. Strain, et al.,
Defendants in Error.

This cause coming on at this time for hearing was argued by Mr. H. L. Pickett for Defendants in Error, (and cause ordered submitted.

No. 1084.

The Bank of Tucker, a corporation,
Appellant,
vs.
Frank J. Graf,
Appellee.

This cause coming on at this time for hearing was argued by Mr. J. E. Morrison for Appellant and Mr. Geo. H. Neble for Appellee, and cause ordered submitted.

The Arizona Mining & Trading Company, a corporation,
Appellant,

No. 1086 vs.

J. J. Benton,
Appellee.

This cause coming on at this time for hearing was argued by Mr. J. F. Ross for Appellant, and cause ordered submitted.

L. J. Overlock,
Appellant,

No. 1087 vs.

Seth E. Hazzard,
Appellee.

This cause coming on at this time for hearing was argued by Mr. Geo. H. Veale for Appellant, and cause ordered submitted.

C. C. Craft,
Appellant,

No. 250 vs.

Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that the Motion to Dismiss the Appeal herein or to Affirm the Judgment of the Court below, filed herein by Respondent be submitted.

Martine Palma,
Appellant,

No. 260 vs.

Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that the Motion to Dismiss or the Motion to Affirm [illegible]

Jan. 29, '09 the Judgment of the Court below, filed herein by Respondent, be submitted.

Billy Williams,
Appellant,

No. 264. vs.

Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that the Motion to Dismiss the Appeal herein or to Affirm the Judgment of the Court below, filed herein by Respondent, be submitted.

William Crawford,
Appellant,

No. 269. vs.

Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that the Motion to Dismiss the Appeal herein or to Affirm the Judgment of the Court below, filed herein by Respondent, be submitted.

Pinkie Dean,
Appellant,

No. 274. vs.

Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that the Motion to Dismiss the Appeal herein or to Affirm the Judgment of the Court below, filed herein by Respondent, be submitted.

It is ordered that this Court stand adjourned until to-morrow, January 21, 1909, at 10 o'clock A.M.

Edward Kent
Chief Justice.

Supreme Court, Territory of Arizona. } January Term, A. D. 1909. Phoenix, Arizona, Thursday, January 21, 1909.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "

F. A. Gritle Jr., Clerk.
M. H. Calderwood, Crier.
F. J. Duncan, Bailiff.

The following business was transacted.

The Copper Belle Mining Company, a corporation, of the State of West Virginia, et al., Appellants,

vs.

No. 1094 Martin Cortells, Appellee.

This cause having been heretofore set for hearing at this time, and on motion of Mr. F. M. Montrad, attorney for Appellants, it is ordered by the Court that this cause be submitted on briefs.

Jan. 21, '09 Albert Ryan,
Appellant,
No. 270 ✓ vs.
Territory of Arizona,
Respondent.

This cause coming on at this time for hearing, was argued by Mr. A. C. Baker for Appellant, and Mr. E. S. Clark for Respondent, and cause ordered submitted.

Albert Ryan,
Appellant,
No. 270 ✓ vs.
Territory of Arizona,
Respondent.

At this day, on motion of Mr. H. D. Ross, attorney for Appellant herein, it is ordered by the court that Appellant be granted leave to file Supplemental Brief.

James H. York,
Plaintiff in Error,
No. 1009 ✓ vs.
The United Globe Mines,
a corporation,
Defendant in Error.

This cause coming on at this time for hearing was argued by Mr. F. H. Hartman and Hon. Alfred Franklin for Plaintiff in Error and by Mrs Sorin for Defendant in Error, and cause ordered submitted.

James H Hork,
Plaintiff in Error,
vs.
No. 1009. The United Globe Mines,
a corporation,
Defendant in Error.

On motion of Mr. Alfred Franklin, it is ordered by the Court that Plaintiff in Error herein be granted ten days within which to file supplemental brief.

It is further ordered by the Court that Defendant in Error herein be granted fifteen days thereafter within which to file supplemental brief.

It is ordered that this Court stand adjourned until to-morrow, January 22, 1909, at 10 o'clock A. M.

Chief Justice.

Supreme Court, } January Term, A. D. 1909.
Territory of Arizona. } Phoenix, Arizona, Friday January 22, 1909.
Court opened at 10 o'clock A. M.
Present: Honorable Edward Kent, Chief Justice.
" — Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, "
" Frederick S. Nave, "
F. A. Gritle Jr., Clerk.
M. H. Calderwood, Crier.
F. J. Duncan, Bailiff.

The following business was transacted.

On motion of Mr. O. H. Hayes, it is ordered that Mr. Clyde A. Colburn, who holds a certificate from the Examining Committee of the State of Arizona,

Jan. 22 '09 admitted to practice in this Court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Coldren took the required oaths.

The United Globe Mines,
a corporation,
Appellant,

No. 1061. vs.

Gila County, et al.,
Appellees.

This cause coming on at this time for hearing was argued by Mr. Sorin for Appellant and Mr. E. S. Clark for Appellees and cause ordered submitted.

The United Globe Mines,
a corporation,
Appellant,

No. 1064. vs.

Gila County, et al.,
Appellees.

At this day, on motion of Mr. E. S. Clark, attorney for Appellees herein, it is ordered by the Court that he be granted ten days within which to file briefs;

On motion of Mr. Sorin, attorney for Appellants herein, it is ordered by the Court that she be granted time to file reply brief.

Old Dominion Copper Mining & Smelting Company, a corporation,
Appellant,

No. 1062. vs.

Gila County, et al.,
Appellees.

This cause coming on at this time for

hearing was argued by Mr. Sorin for Appellant and Mr. E.S. Clark for Appellees, and cause ordered submitted.

Old Dominion Copper Mining & Smelting Company, a corporation,
Appellant,
vs.
No. 1062. Gila County, et al.,
Appellees.

At this day, on motion of Mr. E.S. Clark, attorney for Appellees herein, it is ordered by the Court that he be granted ten days within which to file brief.

On motion of Mr. Sorin, attorney for Appellants herein, it is ordered by the Court that he be granted time to file reply briefs.

Arizona Commercial Copper Company, a corporation,
Appellant,
vs.
No. 1063. Gila County, et al.,
Appellees.

This cause coming on at this time for hearing was argued by Mr. Sorin for Appellant and Mr. E.S. Clark for Appellees, and cause ordered submitted.

Arizona Commercial Copper Company, a corporation,
Appellant,
vs
No. 1063. Gila County, et al.,
Appellees.

At this day, on motion of Mr. E.S. Clark, attorney for Appellees herein, it is ordered by the Court that he be granted ten days within which to file brief.

On motion of Mr. Sorin, attorney for Appellant herein, it is ordered by the Court that he be granted time to file reply brief.

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Jan. 22, '09 hearing, it is ordered by the Court that she be granted time to file reply Brief.

Ira E. Salladay, as father of Katie Salladay, an infant, deceased, for the use and benefit of the Estate of said deceased infant,
Appellant,

No. 1073 vs.

Old Dominion Copper Mining & Smelting Company, a corporation,
Appellee.

This cause coming on at this time for hearing, was argued by Mrs. Orrin for Appellee, and cause ordered submitted.

James H. York,
Plaintiff in Error,

No. 1009 vs.

The United Globe Mines
a corporation,
Defendant in Error.

At this day, on motion of Mrs. Orrin, attorney for Defendant in Error, it is ordered by the Court that she be granted leave to correct citation in brief of Defendant in Error.

It is ordered that this Court stand adjourned until Monday morning, January 25, 1909, at 10 o'clock

Edward Kent
Chief Justice.

Supreme Court, } January Term, A. D. 1909.
Territory of Arizona: } Phoenix, Arizona, Monday, January 25, 1909.

Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
F. A. Gritle Jr., Clerk,
W. H. Calderwood, Crier,
F. J. Duncan, Bailiff.

The following business was transacted.

Territory of Arizona,
Appellant,
vs.
No. 262. Thomas G. Norris,
Respondent.

At this day, it is ordered by the Court that the motion to Reinstate this cause, filed herein by Appellant, be submitted.

Martine Palma,
Appellant,
vs
No. 260. Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered by the Court that the judgment of the Court below be and the same is hereby affirmed.

Jan. 25'09

C. C. Craft,
Appellant,
vs.
No. 250 ✓
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered by the Court that the judgment of the District Court be, and the same is hereby, affirmed.

Billy Williams,
Appellant,
vs.
No. 264 ✓
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered by the Court that the judgment of the District Court be, and the same is hereby, affirmed.

William Crawford,
Appellant,
vs.
No. 269 ✓
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered by the Court that the judgment of the Court below be and the same is hereby, affirmed.

Pinkie Dean,
Appellant,
No. 274 ✓ vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that the Motion to Dismiss Appeal or Affirm the Judgment of the Court below, filed herein by Respondent and heretofore submitted, be and the same is hereby denied.

Territory of Arizona,
Appellant,
No. 263. ✓ vs.
Fred Sattler,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered by the Court that this cause be and the same is hereby dismissed, the Attorney General not having certified to the Record.

Territory of Arizona,
Appellant,
No. 262. ✓ vs.
Thomas G. Norris,
Respondent.

The Motion to Reinstate the Appeal heretofore submitted having been by the Court taken under advisement and fully considered, it is ordered by the Court that no action be taken on the same at this time, no service having been had thereon.

Jan. 25'09

No. 1098

Tip Top Copper Company,
a corporation,
Appellant,
vs.
Oscar Buckalew,
Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from the Tip Top Copper Company, a corporation, Appellant herein, and the American Surety Company of New York surety on Supersedeas Bond herein, his costs in this court taxed at twenty-three and 25/100 ($23.25) Dollars, together with his costs in the District Court in this cause incurred, taxed at six and 50/100 ($6.50) Dollars.

No. 1005

R. N. Leatherwood,
Appellant,
vs.
R. R. Richardson and David Allen,
Appellees.

This cause having been heretofore submitted on rehearing, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises, it is ordered by the Court that the judgment of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from R. N. Leatherwood, Appellant herein, and The Title Guaranty and Trust Company of Scranton, Penn., their costs in this cause taxed at forty-five and 75/100 ($45.75) Dollars, together with their costs in the District Court in this cause incurred.

John Conchin,

Appellant,

No. 1089. vs.

El Paso & Southwestern Railroad Company, a corporation,

Appellee.

At this day, on motion of Mr. E. E. Ellinwood, attorney for Appellee herein, it is ordered by the Court that this cause be submitted on briefs

The Title Guaranty & Surety Company, a corporation,

Appellant,

No. 1074. vs.

W. F. Nichols,

Appellee.

At this day, it is ordered by the Court that the motion to Strike Transcript of Reporter's Notes from the record herein and to Affirm the Judgment of the lower court, filed herein by Appellee and heretofore submitted, be and the same is hereby denied by divided court.

The Title Guaranty & Surety Company, a corporation,

Appellant,

No. 1074. vs.

W. F. Nichols,

Appellee.

At this day, it is ordered by the Court that the Motion to Strike the Abstract of Transcript of Reporter's Notes from the Abstract of Record and to Affirm the Judgment of the lower court, filed herein by Appellee and heretofore submitted, be and the same is hereby denied by divided court.

Jan. 25, '09

The Title Guaranty & Surety Company,
a corporation,
Appellant,

No. 1074 vs.

W. F. Nichols,
Appellee.

At this day, it is ordered by the Court that the Motion to Strike the Brief of Appellant from the files in this cause and to Dismiss the Appeal, filed herein by Appellee and heretofore submitted, be, and the same is hereby, denied by divided court.

R. D. McDonald
Plaintiff in Error,

No. 1072 vs.

H. N. Cox,
Defendant in Error.

This cause having been heretofore set for hearing at this time, and on motion of Mr. C. F. Hinsworth attorney for Plaintiff in Error, it is ordered by the Court that this cause be submitted

The Title Guaranty & Surety Company,
a corporation,
Appellant,

No. 1074 vs.

W. F. Nichols,
Appellee.

At this day, on motion of Mr. C. F. Hinsworth, attorney for Appellant herein, it is ordered by the Court that he be granted leave to add additional authorities to Appellants Brief.

On motion of Mr. Thos. Armstrong Jr., attorney for Appellee herein, it is ordered by the Court that Appellee be granted two days within which to file reply Brief.

The Title Guaranty & Surety Company,
a corporation,
Appellant,
No. 1074 vs.
W. F. Nichols,
Appellee.

At this day, it is ordered by the Court that this cause be submitted on briefs.

T. E. Farish, et al.,
Appellants,
No. 1058 vs.
The Cienequita Copper Company,
Corporation organized under the
Laws of the Territory of Arizona, et al.,
Appellees.

This cause coming on for hearing at this time was argued by Mr. Walter Bennett and Mr. J. F. Wilson for Appellants and by Mr. E. S. Ives for Appellees, and cause ordered submitted.

T. E. Farish, et al.,
Appellants,
No. 1058 vs.
The Cienequita Copper Company,
Corporation organized under the
Laws of the Territory of Arizona, et al.,
Appellees.

At this day, on motion of Mr. J. F. Wilson, attorney for Appellants herein, it is ordered by the Court that he be granted leave to file reply brief within four days.

It is ordered that this Court stand adjourned until tomorrow morning, January 26, 1909, at 10 o'clock A.

Jan. 26'09 Supreme Court, } January Term, A.D. 1909.
Territory of Arizona. } Phoenix, Arizona. Tuesday, January 26, 1909.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice
" Fletcher M Doan, " "
" John H Campbell, " "
" Frederick S. Nave, " "
F.A. Gritts Jr., Clerk,
M.H. Calderwood, Crier,
F.J. Duncan , Bailiff.

The following business was transacted.

No. 1079 Lem Bonnier, et al., Appellants,
vs
Charles Brass, Appellee.

This cause coming on at this time for hearing was argued by Mr. Charles Wolf for Appellants and by Mr. Walter Bennett for Appellee, and cause ordered submitted.

No. 266 V. C. Musgrave, Appellant,
vs
Territory of Arizona, Respondent.

This cause having been heretofore set for hearing at this time, it is now ordered by the Court that this cause be submitted on briefs.

U. C. Musgrave,
Appellant
vs.
No. 266 ✓
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that the Motion to Affirm the Judgment of the District Court, filed herein by Respondent, be submitted.

J. H. Booth, et al.,
Appellants,
vs.
No. 1057 ✓
Frank Powers, et al.,
Appellees.

This cause having been heretofore set for hearing at this time, and on motion of Mr. Frank H. Hereford attorney for Appellants herein, attorney for Appellees consenting, it is ordered that this cause be submitted on briefs.

Frank Powers, et al.,
Appellants,
vs
No. 1076 ✓
The World's Fair Mining
Company, a corporation,
Appellee.

This cause coming on at this time for hearing, and, on motion of Mr. Frank H. Hereford, attorney for Appellants herein, attorney for Appellee consenting, it is ordered that said cause be submitted on briefs.

Jan. 26, '09

No. 1078

The World's Fair Mining Company,
Appellant,
vs.
Frank Powers, et al.,
Appellees.

This cause coming on at this time for hearing, and, on motion of Mr. E. S. Ives, attorney for Appellees herein, attorney for Appellant consenting, it is ordered that said cause be submitted on briefs.

No. 1077

Charlotte Pickthall, Administratrix of the Estate of John Edwin Francis, deceased,
Appellant and Appellee
vs.
Albert Steinfeld,
Appellee and Appellant.

At this day, on motion of Mr. E. S. Ives, attorney for Albert Steinfeld, attorney for Charlotte Pickthall Admrx. consenting, it is ordered that the order heretofore made on the twelfth day of January, 1909, setting cause for hearing January 27, '09 and the same is hereby vacated and the cause is set for hearing at this time.

No. 1077

Charlotte Pickthall, Administratrix of the Estate of John Edwin Francis, deceased,
Appellant and Appellee,
vs.
Albert Steinfeld,
Appellee and Appellant.

This cause coming on at this time for hearing was argued by Mr. Frank H. Hereford for Charlotte Pickthall, Admrx., and by Mr. E. S. Ives for Albert Steinfeld, and cause rodered submitted.

Albert Steinfeld, et al.,
Appellants,
No. 1088. vs.
Mary Nielsen, Administratrix, etc.,
Appellee.

At this day, on motion of Mr. E.S. Ives, attorney for Appellants herein, it is ordered by the Court that the time heretofore granted Appellants within which to file reply brief be, and the same is hereby, extended one week.

It is ordered that this Court stand adjourned until tomorrow morning, January 27, 1909, at 10 o'clock.

Edward Kent
Chief Justice.

Supreme Court,
Territory of Arizona. } January Term, A.D. 1909.
Phoenix, Arizona. Wednesday Jan'y 27, 1909.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice,
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Frederick S. Nave, " "
F.A. Gritte Jr., Clerk,
M.H. Caldinwood, Crier,
F.J. Duncan, Bailiff.

The following business was transacted.

On motion of Mr. H.C. Wilkinson, it is ordered that Mr. Frederick C. Dezendorf, who holds a certificate from the Supreme Court of the Territory of New Mexico, be admitted to practice in this court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Thereupon, in open court, Mr. Dezendorf took the oath and executed certificate

Jan. 27, '09

No. 1101

Louis Zeckendorf,
Appellant and Appellee,
vs.
Albert Steinfeld, et al.,
Appellees and Appellants.

This cause coming on at this time for hearing, was argued by Mr. Frank H. Hereford and Mr. E. S. Mecum for Louis Zeckendorf, and by Mr. E. S. Ives for Albert Steinfeld, et al., and cause ordered submitted.

It is ordered that this Court stand adjourned until March 20, 1909, at 10 o'clock A. M.

Edward Kent
Chief Justice.

In the Supreme Court of the Territory of Arizona.

In the Matter of the Appointment
of A
United States Court Commissioner.

Application having been made by John C. Evans, who resides at the town of Roosevelt, Arizona, in the Fifth Judicial District of Arizona, to be appointed United States Court Commissioner at such place and it appearing that he is a competent, trustworthy person qualified to act, and that there is no United States Court Commissioner residing within thirty miles of said town and that it is not within thirty miles of any local land office, it is,

Ordered that John C. Evans be and he hereby is appointed United States Court Commissioner at the town of Roosevelt, Arizona, with all the duties, privileges and emoluments unto said office appertaining and belonging, to take effect upon his qualifying therefor according to law and it is

Further Ordered that a certified copy of this order of appointment be transcribed by the Clerk of this Court to the Secretary of the Interior and to The Attorney General.

Dated, Phoenix, March 13th, 1909.

Edward Kent,
Chief Justice of the Supreme
Court of Arizona.

Oath of Office of J. C. Evans.

United States of America }
Territory of Arizona. }

I, John C. Evans, do solemnly swear that I will support and defend the Constitution of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance thereto the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office of United States Court Commissioner at Roosevelt, Arizona, for the Fifth Judicial District of Arizona, on which I am about to enter. So Help Me God.

John C. Evans.

Sworn and subscribed to before
me this 18 day of March, 1909.

F. A. Gritle Jr.,
Clerk Supreme Court.

(Seal.)

Mch. 20, '09. Supreme Court, } January Term, A. D. 1909.
Territory of Arizona. } Phoenix, Arizona. Saturday March 20, 1909.
Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
F. A. Tuttle Jr., Clerk,
M. H. Calderwood, Crier,
F. J. Duncan, Bailiff.

The following business was transacted.

No. 252. Louis V. Eytinge,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises;

It is ordered that the judgment of the District Court be, and the same is hereby affirmed.

Territory of Arizona,
Appellant,
vs.
No. 263. Thomas G. Norris,
Respondent.

The Motion to Re-instate filed herein by Appellant, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises; It is ordered that said motion be and the same is hereby denied.

Quong Yen,
Appellant,
vs.
No. 265 ✓
Territory of Arizona,
Respondent.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the lower court be, and the same is hereby, affirmed.

W. C. Mangiaro,
Appellant,
vs.
No. 266 ✓
Territory of Arizona,
Respondent.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

George High,
Appellant,
vs.
No. 267 ✓
Territory of Arizona,
Respondent.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

March 20, '09

No. 268.

J. H. Bryant,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises:

It is ordered that the judgment of the lower court be, and the same is hereby, affirmed.

No. 270.

Albert Ryan,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, reversed, and the cause remanded for a new trial.

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from the County of Yavapai, Territory of Arizona, his costs in this court, taxed at One Hundred Forty-one and 10/100 ($141.10) Dollars.

No. 271.

Territory of Arizona,
Appellant,
vs.
Thomas G. Norris,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the same, and being fully advised in the premises: It is ordered that the appeal herein be and the same is hereby dismissed.

It is further ordered, adjudged and decreed that the Respondent herein do have and recover of and from the County of Yavapai Territory of Arizona his costs in this court, taxed at eight and 15/100 ($8.15) Dollars.

No. 273.

In the Matter of the Application of
By-a-lil-le and Seven Others for
a Writ of Habeas Corpus.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered and adjudged that the judgement of the trial court be reversed and that the petitioners be discharged, with leave to the respondent, however, to present within fifteen days, reasons, if any there be, why instead of discharging the petitioners we should remand the cause with direction to the trial court to grant the writ.

No. 273.

In the Matter of the Application of
By-a-lil-le and Seven Others for
a Writ of Habeas Corpus.

At this day Respondent gave notice of Appeal to the Supreme Court of the United States, and moved the Court that Applicants be held on bail until the determination of the appeal by the Supreme Court of the United States under rule 34 of said Supreme Court, and

It was ordered by the Court that the Notice of Appeal be noted and that Applicants be each enlarged in the sum of Five Thousand ($5,000) Dollars, and it was

Further ordered that Respondent may have leave to withdraw its notice of appeal upon application to the Chief Justice therefor.

No. 274.

Pinkie Dean,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted

March 20, '09

Court having considered the cause, and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby, affirmed.

James H York,
Plaintiff in Error,
vs.
No. 1009. The United Globe Mines,
a corporation,
Defendant in Error.

This cause having heretofore submitted and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises:

It is ordered that the judgment of the court below be and the same is hereby affirmed.

It is further ordered, adjudged and decreed, that the Defendant in Error herein, do have and recover of and from James H York, Plaintiff in Error herein, and The American Surety Company of New York, surety on bond herein, its costs in this cause, taxed at Fifty-five and 15/100 ($55.15) Dollars, together with its costs in the court below in this cause incurred.

William Halton,
Appellant,
No. 1030. vs.
C. J. McKinney,
Appellee.

This cause having heretofore submitted and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises:

It is ordered that the judgment of the District Court be reversed with directions to that court

render judgment that the Appellee, P.J. McKinney, within thirty days after the rendition of such judgment, do duly execute, acknowledge and deliver to the Appellant, William Walton, his deed to the premises and property described in the complaint, but without covenants of warranty, on the payment by the said Walton to the said McKinney of the sum of $5,500.00, with interest thereon at the rate of six per cent. per annum from May 1, 1906, to the date of such judgment, and that in case said Walton should refuse, neglect or decline to make such payment within such period, that the Appellee, McKinney, have possession of said premises; and

It is further ordered, adjudged and decreed that the Appellant herein, William Walton, do have and recover of and from P.J. McKinney, Appellee herein, his costs expended in this court, taxed at one hundred eighty and 35/100 ($180.35) Dollars, together with his costs in the court below in this cause incurred, and accrued costs in this court, taxed at three and 20/100 ($3.20) Dollars.

H.L. Dooley,
Appellant,
vs.
No. 1039. Burlington Gold Mining Company,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Burlington Gold Mining Company, Appellee herein, do have and recover of and from H.L. Dooley, Appellant herein, and the United States Fidelity and Guaranty Company of Baltimore, Md., its costs in this cause, taxed at One hundred eleven and 90/100 ($111.90) Dollars, together with its costs in the court below in this cause incurred, and accrued costs, taxed at eight and 90/100 ($8.90) Dollars.

Feb. 20, '09

No. 1047.

Daniel Hankins and E. G. Riley
Appellants,
vs.
Frank O. Helms, C. C. Hight
and Henry Mayer,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises;

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from Daniel Hankins and E. G. Riley, Appellants herein and M. J. Cunningham and L. C. Shattuck sureties on appeal bond herein, their costs in this court, taxed at forty-five and 55/100 ($45.55) Dollars, together with their costs in the court below in this cause incurred, and accrued costs in this court, taxed at four ($4.00) Dollars.

No. 1050

Ivan L. Neal,
Appellant,
vs.
William L. Kayser,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises;

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellee herein, William L. Kayser, do have and recover of and from Ivan L. Neal, Appellant herein, and J. F. Raney and Henry Roberts sureties on appeal bond herein, his costs in this court taxed at Twenty ($ 20.00) Dollars,

together with his costs in the said behalf in this cause incurred.

The Arizona Copper Company, Limited,
Appellant,
vs.
No. 1052. William Allen Gillespie,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be modified as indicated in the opinion rendered herein, to which reference is hereby made, and as so modified, be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that Appellee herein do have and recover of and from the Arizona Copper Company, Limited, Appellant herein, and the United States Fidelity and Guaranty Company, a corporation, of Maryland, sureties on appeal bond herein, his costs in this court, taxed at forty-eight and 35/100 Dollars, together with his costs in the court below in this cause incurred.

Peter L. Kastner,
Appellant,
vs.
No. 1053. R. L. Adams and James Adams,
Appellees.

This cause having been filed in this Court one year ago, and Appellant having failed to file brief, agreement or assignment of error, or to enter any further proceedings in his case, it is therefore

Ordered that the [illegible]

3 Mch. 20, '09 is hereby, dismissed for want of prosecution.

Santa Cruz County,
Appellant,

No. 1056. vs.

Jacinto Burgon, James Harrison, and Oscar F. Ashburn, Supervisors of Santa Cruz County, Arizona, and A. C. Kingsley,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises:

It is ordered that the judgment of the lower court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from Santa Cruz County, Appellant herein, their costs in this Court, taxed at twenty-five and 80/100 ($25.80) Dollars, together with their costs in the lower court in this cause incurred.

J. H. Booth, T. A. Stewart, Joseph Landon and H. C. Webber,
Appellants,

No. 1057. vs.

Frank Powers and Josephine Powers,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises:

It is ordered that the appeal herein be, and the same is hereby, dismissed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of

to a Stipulation filed herein, of and from Frank H. Colbreath, attorney for J. H. Booth, P. A. Stewart, Joseph Landon and H. P. Miller, Appellants herein, their costs in this cause, taxed at twenty-eight and 75/100 ($28.75) Dollars.

F. E. Farish, J. F. Wilson,
F. S. Williams, and Thos. Farish, Jr.,
Appellants,

No. 1058. vs.

Cienequita Copper Company,
a corporation,
Appellee

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises

It is ordered that the order of the trial court dismissing the action of the Intervenors without prejudice to such rights as they might have to institute proceedings in courts of Nevada, be and the same is hereby set aside.

It is further ordered that the action of the stockholders' meeting in attempted authorization of the transfer of the assets of the appellee and the action of the directors and officers pursuant thereto be decreed null and void.

It is further ordered, adjudged and decreed that the Appellants herein do have and recover of and from the Cienequita Copper Company, a corporation, Appellee herein, their costs in this court, taxed at two hundred ninety-five and 90/100 ($295.90) Dollars and accruing costs in this court, taxed at

2 Ariz

3 Mch. 20, '09 The United Globe Mines,
a corporation,
Appellant,

No. 1061. vs.

Gila County and W. H. Brookover,
Treasurer and Ex-Officio Tax
Collector of Gila County,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the cause and being fully advised in the premises:

It is ordered that the judgment of the trial court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from the United Globe Mines, a corporation, Appellant herein, and Geo. W. P. Hunt and J. Suter, sureties on Supersedeas Bond herein (the sum of One thousand six hundred eighty and 75/100 {$1680.75} Dollars, being the amount of taxes for territorial purposes for the year 1906, entered in the judgment of the trial court, together with) their costs in this cause, taxed at

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from the Appellees herein its costs in the court below in this cause incurred, taxed at twenty-one and 95/100 {$21.95} Dollars.

Old Dominion Copper Mining and
Smelting Company, a corporation,
Appellant,

No. 1062. vs.

Gila County and W. H. Brookover Treasurer and
Ex-officio Tax Collector of Gila County,
Appellees.

No. 1062. Error to Gila. Appellant's Petition for Rehearing, filed and

by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the trial court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from the Old Dominion Copper Mining and Smelting Company, a corporation, Appellant herein, and Geo. H. O. Hurd and J. Suter, sureties on Supersedeas bond herein, (the sum of one thousand two hundred forty-one and 25/100 ($1241.25) Dollars, being the amount of taxes for territorial purposes for the year 1906 entered in the judgment of the trial court, together with) their costs in this court taxed at

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from the Appellees herein, its costs in the court below in this cause incurred, taxed at twenty-one and 70/100 ($21.70) Dollars.

Arizona Commercial Copper Company, a Corporation,
Appellant,

No. 1063. vs.

Gila County and D. R. Williamson, Treasurer and Ex-Officio Tax Collector of Gila County,
Appellees.

This cause having heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the trial court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from the Arizona Commercial Copper Company, a corporation,

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counties on Superseadeas Bond herein, the sum of One thousand one hundred twenty-five ($1125.) Dollars, being the amount of taxes for territorial purposes for the year 1906 entered in the judgment of the trial court, together with their costs in this court, taxed at

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from the Appellees herein, its costs in the court below in this cause incurred, taxed at twenty and 95/100 ($20.95) Dollars.

No. 1064.

Mitchell Mining Company,
a corporation,
Appellant,
vs.
A. F. Hammons,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from the Mitchell Mining Company, a corporation, Appellant herein, and the United States Fidelity and Guaranty Company of Baltimore, Maryland, surety on appeal bond herein, his costs in this court, taxed at forty-seven ($47.00) Dollars, together with his costs in the court below in this cause incurred.

No. 1065.

F. D. Hooks, Trustee in Bankruptcy of the Estate of Charles F. Pacey, Bankrupt,
Appellant,
vs.
The Gila Valley Bank and Trust Company, a corporation,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the lower court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from the Appellant herein and The Title Guaranty & Surety Company of Scranton, Pennsylvania, surety on appeal bond herein, its costs in this cause, taxed at Thirty-seven and 50/100 ($37.50) Dollars, together with its costs in the court below in this cause incurred.

No. 1066.

The Nogales Water Company, a corporation,
Appellant,
vs.
W. J. Newman
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby reversed and the cause remanded to said Court with directions to enter judgment for the defendant.

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from W. J. Newman, Appellee herein, his costs [illegible]

Mch. 20, '09 together with his costs in the court below in this cause incurred.

Charles Clason,
Appellant,
No. 1069 vs.
Nick Matko, Dan Seffer, John Lobizich, J. Kuljanovich and Louis Vidalia,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do hereby recover of and from Charles Clason, Appellant herein, and William Robinson and Fred Hedberg, sureties on appeal bond herein, their costs in this court, taxed at Nineteen and 60/100 ($19.60) Dollars, together with their costs in the court below in this cause incurred, and accrued costs in this court, taxed at Four and 95/100 ($4.95) dollars.

C.L. Cummings, Administrator of the Estate of Antonio Peretti, deceased,
Appellant,
No. 1070 vs.
M. Rountree, The Bank of Benson, (a corporation), L.D. Redfield, Henry Etz & Co., Charles De Baud,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement, and the

Court having considered the cause and being fully advised in the premises:

It is ordered that the judgement of the trial court be, and the cause is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from the Appellant herein, and F. N. Wolcott and John Rock sureties on appeal bond herein, their costs in this court, taxed at twenty-four and 95/100 ($24.95) Dollars, together with their costs in the court below in this cause incurred.

The Gibson Abstract Company, a corporation, Appellant,

No. 1071. vs

Cochise County, Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the cause and being fully advised in the premises:

It is ordered that the judgment of the lower court be, and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from The Gibson Abstract Company, a corporation, Appellant herein, and John Escapule and J. A. Rockfellow, sureties on appeal bond herein, its costs in this court, taxed at together with its costs in the court below in this cause incurred.

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No. 1072.

A. D. McDonald,
Plaintiff in Error,
vs.
H. N. Cox,
Defendant in Error.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Defendant in Error herein do have and recover of and from A. D. McDonald, Plaintiff in Error herein and Lloyd B. Christy and S. H. Stewart, sureties on Supersedeas Bond herein the sum of Fourteen Hundred Ninety-three and 25/100 ($1493.25) Dollars and legal rate of interest from October 5, 1907, and costs of suit in the lower court, together with his costs in this court, taxed at thirty and 10/100 ($30.10) Dollars, and accrued costs taxed at Four and 40/100 ($4.40) Dollars.

No. 1073.

Jno E. Salladay, as father of Katie Salladay, an infant, deceased, for the use and benefit of the estate of said deceased infant,
Appellant,
vs.
Old Dominion Copper Mining & Smelting Company, a corporation,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the lower court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed

that the Appellee herein do have and recover of and from Ira E. Salladay, Appellant herein, and J. J. McInery and William Ryan, sureties on Appeal Bond herein, its costs in this cause, taxed at twenty-eight and 15/100 ($28.15) Dollars, together with its costs in the suit below in this cause incurred.

The Title Guaranty & Surety Company, a corporation,
Appellant,
vs.
No. 1074. W. F. Nichols,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the lower court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from The Title Guaranty and Surety Company, a corporation, Appellant herein, and the National Surety Company of New York, a corporation, surety on Supersedeas Bond herein, the sum of twenty-thousand ($20,000.) Dollars, and costs in the lower court, taxed and allowed at the sum of two hundred seventy-two and 82/100 ($272.82) dollars, with interest upon the amounts specified herein at the rate of six per cent per annum from the 2nd day of June, 1908, until paid, together with his costs in this behalf incurred at fifty-six and 90/100 ($56.90) Dollars.

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Lizzie B. Murphey and
Walter E. Murphey,
Appellants,

No. 1075.

-vs-

Joseph Brown, H. O. Sims
and B. Friedman,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, reversed and the cause is remanded for a new trial.

It is further ordered, adjudged and decreed that the Appellants herein do have and recover of and from ~~Joseph Brown~~ H. O. Sims and B. Friedman, Appellees herein, their costs in this court, taxed at One hundred two and 95/100 ($102.95) Dollars, and accrued costs, taxed at four and 70/100 ($4.70) Dollars.

Frank Porras and Josephine
Porras,
Appellants,

No. 1076.

-vs-

The Worlds Fair Mining
Company, a corporation,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from Frank Porras and Josephine Porras, Appellants herein, and L. H. Cornelius and Others Garnishee,

curtice on Appeal bond herein, its costs in this Court, taxed at, twenty-two and 95/100 ($22.95) Dollars, together with its costs in the court below in this cause incurred.

See order of May 1, 1909. page 82.

Charlotte Pickthall, administratrix of the estate of John Edwin Francis,

Appellant,

No. 1077 vs

Albert Steinfeld,

Appellee.

Albert Steinfeld,

Appellant

vs

Charlotte Pickthall, administratrix of the estate of John Edwin Francis,

Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the court having considered the cause and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby affirmed without costs in this court.

It is further ordered, adjudged and decreed that Charlotte Pickthall, administratrix of the estate of John Edwin Francis, do have and recover of and from Albert Steinfeld, and Epes Randolph and C. H. Shelton sureties on appeal bond herein, her costs in the court below in this cause incurred, taxed at one hundred twenty-eight and 55/100 ($128.55) Dollars.

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No. 1078.

The World's Fair Mining Company, a corporation,
Appellant,
vs
Frank Powers and Josephine Powers,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from The World's Fair Mining Company, a corporation, Appellant herein, and the United States Fidelity and Guaranty Company of Baltimore, Md., surety on appeal bond, their costs in this cause, taxed at Thirty-eight and 70/100 ($38.70) Dollars together with their costs in the court below in this cause incurred.

Leon Bouvier and Fenton Jones,
Appellants,
vs.
No. 1079. Charles Grass,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the lower court be and the same is hereby reversed, and the cause remanded for a new trial.

It is further ordered and decreed

that the Appellants herein do have and recover of and from Charles Grass, Appellee herein, their costs on this cause, taxed at two hundred fifty-four and 10/100 ($254.10) Dollars, and accruing costs, taxed at-

No. 1080 ✓

Elmer H Duffield,
Petitioner,
vs.
Henry F. Ashurst, as District Attorney of Coconino County,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the cause and being fully advised in the premises:

It is ordered that the demurrer to the petition for writ of mandamus be sustained, and the writ be, and the same is hereby, denied.

It is further ordered, adjudged and decreed that Respondent herein do have and recover of and from Elmer H Duffield, Petitioner herein, his costs in this cause incurred, taxed at-

No. 1083 ✓

Tucson Consolidated Copper Company, a corporation, and Fred H. Ficket,
Appellants,
vs.
William H. Reed,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the cause and being fully advised in the premises:

It is ordered that the judgment of the lower court be, and the same is hereby, affirmed.

It is further ordered [illegible]

Mch 20, '09

that the Appellee herein do have and recover of and from the Tucson Consolidated Copper Company, a corporation, and Fred H. Fickett, Appellants herein, and Hugo J. Doran and L. Rosenstein, sureties on Supersedeas Bond herein, his costs in this cause, taxed at Thirty ($30.00) Dollars, ----------
together with his costs in the cause incurred.

The Bank of Bisbee, a corporation,
Appellant

No. 1084 -vs-

Frank J. Graf,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from The Bank of Bisbee a corporation, Appellant herein, and James E. Brophy and H. J. Brophy, sureties on appeal bond the sum of Nineteen Hundred and fifty ($1950.) dollars, and his costs in the lower court in this cause incurred, taxed at forty-seven and 85/100 ($47.85) dollars, with interest thereon from the 8th day of November, 1907, at the rate of six per cent (6%) per annum until paid, together with his costs in this court, taxed at Seventeen ($17.00) Dollars.

The Arizona Mining and Trading Company, a corporation,
Appellant,
vs
No. 1086. J. J. Denton,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the cause and being fully advised in the premises:

It is ordered that the order of the District Court denying the motion to set aside the judgment be, and the same is hereby reversed and the cause is remanded to the District Court for further proceedings in conformity with the Opinion rendered herein.

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from J. J. Denton, Appellee herein, its costs in this court, taxed at One hundred fifty-one and 20/100 ($151.20) Dollars

L. J. Overlock,
Appellant,
No. 1087. vs
Seth E. Hazzard,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from L. J. Overlock, Appellant herein, and Jos. McEachern and E. Carretto, sureties on appeal bond herein, the sum of four hundred thirty-four dollars and fifty cents ($434.50), with interest thereon at the rate of six per cent per annum from the 19th day of [illegible] 1908, until [illegible]

Mch. 20, '09

taxed at thirty-nine and 10/100 ($39.10) Dollars, and his costs in the court below in this cause incurred, and accrued costs in this court, taxed at One and 80/100 ($1.80) Dollars.

No. 1088.

Albert Steinfeld, and The Silver Bell Copper Company, a corporation,
Appellants,
vs.
Mary Nielsen, Administratrix of the Estate of Carl S. Nielsen, deceased, and Mary Nielsen in her own personal right,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the trial court be, and the same is hereby, reversed and the cause remanded with directions to the trial court to enter judgment for the defendants.

It is further ordered, adjudged and decreed that the Appellants herein do have and recover of and from the Appellee herein their costs in this court, taxed at four hundred seven and 70/100 ($407.70) Dollars, together with their costs in the court below in this cause incurred.

Francis J. Abell,
Plaintiff in Error,
No. 1091. vs.
George H. Swain and Martha Swain,
Defendants in Error.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Defendants in Error herein do have and recover of and from Francis J. Abell, Plaintiff in Error herein, and C.C. Brownlow and C.L. Cummings, sureties on writ of error bond, their costs in this cause, taxed at twenty-two and 10/100 ($22.10) Dollars, together with their costs in the Court below in this cause incurred.

J. R. Grant, as Treasurer and Ex-Officio Tax Collector of the County of Coconino, Territory of Arizona, and the County of Coconino, Territory of Arizona, a municipal corporation,
Appellants,
vs.
No. 1092. Grand Canyon Railway Company, a corporation,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed, with costs [illegible]

Mch. 29, '09 and from J.R. Treat, as Treasurer and Ex-Officio Tax Collector of the County of Coconino, Territory of Arizona, and the County of Coconino, Territory of Arizona, a Municipal Corporation, Appellants herein, and Thos. H. Ricket and Geo. Babbitt, sureties for Appellant J.R. Treat, Treasurer and Ex-Officio Tax Collector of the County of Coconino, Territory of Arizona, its costs in this Court, taxed at

together

with its costs in the court below in this cause incurred.

A. Sandoval and O. Sandoval,
Appellants,

No. 1093. vs.

United States Fidelity and Guaranty Company, a corporation,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby modified and reduced to the amount of five hundred forty-four and 50/100 ($544.50) Dollars, with interest thereon at the rate of six per cent (6%) per annum from August 3, 1908 to the date of the judgment of the District Court, and as so modified, is affirmed, but without prejudice to the rights of the Guaranty Company to bring such further action as may be necessary to establish its right, should a right to reimbursement of the amount of the judgment accrue to it.

It is further ordered adjudged and decreed that Appellants herein do have and recover of and from the Appellee herein their costs in this Court taxed at two hundred and four ($204.00) Dollars.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of

and Fermi A. Sandoval and P. Sandoval, Appellants herein, and E. J. Pellegrin and H. K. Chenoweth, sureties on cost bond, its costs in the said behalf in this cause incurred.

The Copper Belle Mining Company, a corporation of the State of West Virginia, and The Copper Belle Mining Company of Arizona, a corporation of the Territory of Arizona,

Appellants,

No. 1094 vs

Martin Costello,

Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from the Appellants herein, and The United States Fidelity and Guaranty Company, surety on appeal bond herein, his costs in this behalf, taxed at seventy-eight and 95/100 ($78.95) Dollars, together with his costs in the said behalf in this cause incurred.

Order made May 1 1909 relating costs. (Page 84.)

George Margareitch,

Appellant,

No. 1111 vs

George B. Upton,

Appellee.

At this day, it is ordered by the Court that the motion to affirm the judgment of the lower Court, filed herein by Appellee, be overruled.

Mch. 29, '09

C. Elmer Smith and S. Fahs Smith, Executors of the Estate of Beauchamp H. Smith, deceased,

Appellants,

No. 1100.

vs.

The King of Arizona Mining and Milling Company, The King of Arizona Company, Epes Randolph, Edgene S. Ives, Hiram W. Blaisdell, John H. Martin and S. Fahs Smith,

Appellees.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from the Appellants herein and The National Surety Company, a corporation, their costs in this cause, taxed at thirty-seven and 60/100 ($37.60) Dollars, together with their costs in the court below in this cause, incurred, and accrued costs in this court, taxed at three and 20/100 ($3.20) Dollars

Louis Zeckendorf,

Appellant,

No. 1101.

vs.

Albert Steinfeld, R. M. Shelton, Silver Bell Copper Company, a corporation, and Mammoth Copper Company, a corporation,

Appellees.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises:

It is ordered, adjudged and decreed that the judgment of the District Court, herein appealed from, be and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that The Silver Bell Copper Company, a corporation, do have and recover of and from Albert Steinfeld, one of the appellants herein, and Epes Randolph and Leo Goldschmidt, sureties on the supersedeas bond herein, the amount of the judgment rendered in the trial court in favor of the defendant, the Silver Bell Copper Company.

It is further ordered, adjudged and decreed that Louis Zeckendorf do have and recover of and from Albert Steinfeld, one of the appellants herein, and Hugo J. Doran and L. Rosenstein, sureties on the said bond herein, his costs in the court below in this cause incurred.

George Margaritch,
Appellant,
vs
George D. Upton,
Appellee.

No. 11114

The Motion to Affirm the judgment of the lower court filed herein by Appellee, having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises:

It is ordered that said motion be granted and the judgment of the lower court be, and the same is hereby affirmed.

Mch. 20, '09 It is further ordered adjudged and decreed that the Appellee herein do have and recover of and from George Margaritch Appellant herein, and Sam Franklin Ed M. A. Roberts, sureties on Supersedeas Bond herein, his costs in this cause, taxed at twelve ($12.00) Dollars, together with his costs in the Court below in this cause incurred, and accrued costs, taxed at three and 40/100 ($3.40) Dollars.

Yee Dick Jong,
Appellant,
vs.
No. 1090 ✓ United States of America,
Appellee.

Comes now Mr. Edwin F. Jones, attorney for Appellant herein, and moves the Court that he be granted until April 15, 1909, within which to file answer to motions filed herein by Appellee.

Yee Dick Jong,
Appellant
vs.
No. 1090 ✓ United States of America,
Appellee.

At this day it is ordered by the Court that Appellants motion for time within which to file answer to motions filed herein by Appellee, be granted and Appellant given until April 15, 1909, within which to file answer.

Yee Dick Jong, Appellant,

No. 1090 v. vs.

United States of America, Appellee.

In this cause it is ordered that the Appellee be granted until April 25, 1909, within which to file reply to Appellant's answer to motions.

J. R. Great, as Treasurer and Ex-Officio Tax Collector of the County of Coconino, Territory of Arizona, et al., Appellants,

No. 1092 v. vs

Grand Canyon Railway Company, a corporation, Appellee.

At this day comes Edward McDoc, Esq., attorney for Appellants herein, in open court, and gives notice of appeal to the Supreme Court of the United States, from the judgment of this court.

Upon motion of attorney for Appellants herein, it is ordered that the amount of the bond on appeal be fixed in the sum of one thousand ($1,000) dollars.

On motion of Mr. Geo. P. Bullard, it is ordered that Mr. J. G. Boyd, who holds a certificate from the Supreme Court of the State of Texas, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Thereupon, in open court Mr. Boyd took the required oaths.

Mch. 20, 09

On motion of Mr. E.E. Ellinwood, it is ordered that Mr. Alexander Murry, Jr., who holds a certificate from the Supreme Court of the State of Ohio, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Murry took the required oaths.

On motion of Mr. Walter Bennett, it is ordered that Mr. Herbert H. Williams, who holds a certificate from the Supreme Court of the State of Oklahoma, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Williams took the required oaths.

On motion of Mr. Reese McLing, it is ordered that Mr. F.A. Sutter, who holds a certificate from the District Court of the Second Judicial District of the Territory of Arizona, in and for Cochise County, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Sutter took the required oaths.

On motion of Mr. E.F. Jones, it is ordered that Mr. Louis G. Hammel, who holds a certificate from the Supreme Court of the State of Ohio, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Hammel took the required oaths.

No. 1113 ✓

Lee Kim Fong,
Appellant,
vs
The United States,
Appellee:

Comes now Mr. Edwin F. Jones, attorney for Appellant herein, and moves the Court that this cause be submitted on briefs.

No. 1113. ✓

Lee Kim Fong,
Appellant,
vs
The United States,
Appellee.

At this day it is ordered that Appellant's motion that this cause be submitted on briefs, be and the same is hereby granted, and the Appellant herein granted seven days time within which to file briefs.

No. 1113. ✓

Lee Kim Fong,
Appellant,
vs
The United States,
Appellee.

At this day, it is ordered that the United States Attorney be granted seven days time after the filing of Appellant's brief, within which to file his brief.

It is ordered that this Court stand adjourned until April 30, 1909 at 10 o'clock A. M.

Edward D. White
Chief Justice.

Apr. 30, '09 Supreme Court, } January Term, A. D. 1909.
Territory of Arizona. Phoenix, Arizona, Friday April 30, 1909.

Court opened at 10 o'clock, A. M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "

F. A. Gritle Jr., Clerk.
M. H. Calderwood, Crier.
T. J. Duncan, Bailiff.

The following business was transacted.

No. 262 Territory of Arizona,
Appellant,
vs.
Thomas G. Norris,
Respondent.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, be submitted.

No. 270 Albert Ryan,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Respondent, be submitted.

Territory of Arizona,
Appellant,
No. 271. vs.
Thomas G. Norris,
Respondent.

It this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, be submitted.

James E. York,
Plaintiff in Error,
No. 1009. vs
The United Globe Mines,
a corporation,
Defendant in Error.

It this day it is ordered by the Court that the Motion for Rehearing filed herein by Plaintiff in Error, be submitted.

Daniel Hankins, et al.,
Appellants,
No. 1047. vs.
Frank P. Helms, et al.,
Appellees.

It this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellants, be submitted.

The Arizona Copper Company, Limited, a corporation,
Appellant,
No. 1052. vs.
William Allen Gilchrist,
Appellee.

It this

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Apr. 30, 09 Mr. Motion for Rehearing filed herein by Appellant, to be submitted.

No. 1057 J. H. Booth, et al.,
Appellants,
vs.
Frank Powers, et al.,
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellants to be submitted.

No. 1058 F. E. Faich, et al.,
Appellants,
vs.
The Cienequita Copper Company, et al.,
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellees, to be submitted.

No. 1061 United Globe Mines,
a corporation,
Appellant,
vs.
Gila County and H. H. Brookner, Treasurer, etc.,
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, to be submitted.

No. 1062. ✓

Old Dominion Copper Mining and Smelting Company,
Appellant,
vs.
Gila County and W. H. Brooker, Treasurer, etc.
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, be submitted.

No. 1063. ✓

Arizona Commercial Copper Company,
Appellant,
vs.
Gila County and D. A. Williamson Treasurer, etc.,
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant be submitted.

No. 1069. ✓

Charles Clavon,
Appellant,
vs.
Nick Matko, et al.,
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant be submitted.

Apr. 30, '09

No. 1070.

C. L. Cunningham, et al.,
Appellant,
vs.
M. Rosenberg, et al.,
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, be submitted.

No. 1072.

R. D. McDonald,
Plaintiff in Error,
vs.
H. N. Cox,
Defendant in Error.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Plaintiff in Error, be submitted.

No. 1073.

Ira E. Salladay, as Father of Katie Salladay, an infant, deceased,
Appellant,
vs.
Old Dominion Copper Mining & Smelting Company, a corporation,
Appellee.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, be submitted.

No. 1074.

The Title Guaranty & Surety Company, a corporation
Appellant,
vs.
W. F. Nichols,
Appellee.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, be submitted.

No. 1075.

Lizzie B. Murphey, et al.,
Appellants,
vs.
Joseph H. Brown, et al,
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellees, be submitted.

No. 1076.

Frank Crews, et al.,
Appellants,
vs.
The Worlds Fair Mining Company, a corporation,
Appellee.

At this day it is ordered by the Court that the Motion to Offset Cost Bill filed herein by Appellants, be submitted.

No. 1077.

Charlotte Eckhardt, et al.,
Appellants
vs.
United States
Appellee.

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Dec. 30, '09 The Motion for Rehearing filed herein by Appellant, be submitted.

No. 10784

World's Fair Mining Company,
Appellant,
vs.
Frank Power, et al.,
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant be submitted.

No. 10794

Leon Bonnier, et al.,
Appellant,
vs.
Charles Brass,
Appellee.

At this day it is ordered by the Court that the Motion to Retax Costs, filed herein by Appellee be submitted.

No. 10794

Leon Bonnier, et al.,
Appellant,
vs.
Charles Brass,
Appellee.

At this day it is ordered by the Court that the Motion for Rehearing, filed herein by Appellee, be submitted.

L. J. Overlock,
Appellant,
No. 1087. vs.
Seth E. Hazzard,
Appellee.

At this day it is ordered by the Court that the Motion for Rehearing, filed herein by Appellant, be submitted

Albert Steinfeld, et al.,
Appellant,
No. 1088. vs.
Mary Nielsen, Administratrix of the Estate of Carl S. Nielsen, deceased, and Mary Nielsen in her own personal right,
Appellees

At this day it is ordered by the Court that the Motion for Rehearing, filed herein by Appellees be submitted.

Yee Dick Jong,
Appellant,
No. 1090. vs.
United States of America,
Appellee.

At this day it is ordered by the Court that the Motion to Strike Petitioner's Assignments filed herein by Appellee, be submitted.

Yee Dick Jong
Appellant,
No. 1090. vs.
United States of America,
Appellee.

By Order:

Apr. 30'09 the Motion to Dismiss, filed herein by Appellee be submitted.

No. 1090 ✓

Yee Dick Jang,
Appellant,
vs.
United States of America,
Appellee.

At this day it is ordered by the Court that the Motion to Affirm, filed herein by Appellee, be submitted.

No. 1093 ✓

A. Sandoval, et al.,
Appellants,
vs.
The United States Fidelity and Guaranty Company,
Appellee.

At this day it is ordered by the Court that the Motion for Rehearing, filed herein by Appellee, be submitted.

No. 1100 ✓

C. Elmer Smith, et al., Executors,
Appellants,
vs.
King of Arizona Mining & Milling Company, et al.,
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing, filed herein by Appellants be submitted.

Louis Beckendorf,
Appellant
No. 1101 ✓ vs.
Albert Steinfeld, et al.,
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing, filed herein by Appellant, be submitted.

Copper Belle Mining
Company, et al.,
Appellants,
No. 1094 ✓ vs.
Martin Cortells,
Appellee.

At this day it is ordered by the Court that the Motion to Strike out certain Items from Appellee's Cost Bill, filed herein by Appellants, be submitted.

City of Tucson, et al,
Appellants,
No. 1115 ✓ vs.
O. J. Hare,
Appellee.

At this day it is ordered by the Court that the Motion to Affirm Judgment on Short Transcript filed herein by Appellee, be submitted.

John Gandolfo, et al,
Petitioners,
No. 1116 ✓ vs.
The Board of Supervisors of Pima
County, Arizona, and John H. Spencer,
et al, Members, Etc.
Respondents.

Attorneys for Petitioners,

Apr. 30, '09 that this cause be submitted on briefs, attorney for Respondent consenting.

On motion of A.C. Baker, Esq., it is ordered that Mr. Frank W. Owens, who holds a certificate from the Supreme Court of the State of Nevada, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Owens took the required oaths.

On motion of W. H. Stilwell, Esq., it is ordered that Mr. John H. Hectorer, who holds a certificate from the Supreme Court of the State of Oregon, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Hectorer took the required oaths.

On motion of Thos. Armstrong Jr., Esq., it is ordered that Mr. George O. Hilzinger, who holds a certificate from the Supreme Court of the State of Michigan, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Hilzinger took the required oaths.

No. 1061 ✓

United Globe Mines,
a corporation,
Appellant,
vs.
Gila County and H. H. Brookes,
Treasurer, etc.,
Appellees.

At this day it is ordered by the Court that the Motion to Vacate the Judgment entered on the 20th day of March, 1909, filed herein by Appellant, be submitted.

No. 1062 ✓

Old Dominion Copper Mining
and Smelting Company,
a corporation,
Appellant,
vs.
Gila County and H. H. Brookes,
Treasurer, etc.,
Appellees.

At this day it is ordered by the Court that the Motion to Vacate the Judgment entered on the 20th day of March, 1909, filed herein by Appellant, be submitted.

No. 1063 ✓

Arizona Commercial Copper
Company, a corporation,
Appellant,
vs.
Gila County and D. R. Williamson
Treasurer, etc.,
Appellees.

At this day it is ordered by the Court that the Motion to Vacate the Judgment entered on the 20th day of March, 1909, filed herein by Appellant, be submitted.

Jan. 30, '09

No. 1061.

The United Gold Mines,
a corporation,
Appellant,
vs.
Gila County and W. H. Brookner,
Treasurer and Ex-Officio Tax
Collector of Gila County,
Appellees.

The Motion to Vacate the Judgment heretofore entered in this cause on the 20th day of March, 1909, filed herein by Appellant, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that said Motion be granted, and the judgment entered herein on the 20th day of March, 1909 be and the same is hereby vacated and set aside, and

It is further ordered that judgment herein be entered as follows:

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the trial court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from the United Gold Mines, a corporation, Appellant herein, and Geo. H. C. Hunt and J. Sifter, sureties on Supersedeas Bond herein, their costs in this cause, taxed at eighteen and 25/100 ($18.25) Dollars.

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from the Appellees herein, its costs in the above and aforesaid cause incurred, taxed at twenty-one and 95/100 ($21.95) Dollars.

Old Dominion Copper Mining & Smelting Company, a corporation,
Appellant,

No. 1062. vs.

Gila County and H. H. Brooker,
Treasurer and Ex-Officio Tax Collector
of Gila County,
Appellees.

The Motion to Vacate the Judgement heretofore entered in this cause on the 20th day of March, 1909, filed herein by Appellant, having been heretofore submitted, and by the Court taken under advisement and the Court having considered the cause and being fully advised in the premises:

It is ordered that said Motion be granted, and the judgment entered herein on the 20th day of March, 1909, be and the same is hereby vacated and set aside, and

It is further ordered that judgment herein be entered as follows:

This cause having been heretofore submitted and by the Court taked under advisement, and the Court having considered the cause and being fully advised in the premises:

It is ordered that the judgment of the trial court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from the Old Dominion Copper Mining and Smelting Company, a corporation, Appellant herein, and Geo. H. Hazeltine, Treasurer and Ex-Officio Tax Collector of Gila County, Arizona, their costs in this cause, taxed at eleven and 35/100 ($11.35)--------Dollars.

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from the Appellees herein, the costs by them expended in this cause incurred, taxed at twenty and 70/100 ($20.70) Dollars.

Apr. 30, '09

No. 1063

Arizona Commercial Copper Company, a corporation,
Appellant

vs.

Gila County and D. R. Hutchinson Treasurer and Ex-Officio Tax Collector of Gila County,
Appellees.

The Motion to Vacate the Judgment heretofore entered in this cause on the 20th day of March, 1909, filed herein by Appellant, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that said motion be granted, and the judgment entered herein on the 20th day of March, 1909, be and the same is hereby vacated and set aside, and

It is further ordered that judgment herein be entered as follows:

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the trial court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from the Arizona Commercial Copper Company, a corporation, Appellant herein, and Anton Frojanovich and Harry Sultan, sureties on Supersedeas Bond herein, their costs in this court, taxed at Six and 55/100 ($6.55) dollars.

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from the Appellees herein, its costs in the Court below in this cause incurred, taxed at Twenty and 95/100 ($20.95) Dollars.

On this day, Associate Justice Sloan presiding, Associate Justices Dorn and Campbell being present, there came on the application of Edward Kent, Esq., to be admitted to practice as an attorney and counsellor at law before this Court, and the Court being fully satisfied that he possesses all the qualifications required by statute to authorize his admission to practice as an attorney of this Court.

It is ordered that he be and hereby is admitted to the general practice of law in this Territory as an attorney and counsellor at law of this Court, and that his name be entered upon the rolls upon his taking the oath of office as prescribed by law.

April 30th 1909.

Richard E. Sloan
Asso. Justice Presiding.
Fletcher M Dorn, A.J.
John H Campbell, A.J.

It is ordered that this Court stand adjourned until to-morrow morning May 1, 1909 at 10 o'clock.

Edward Kent
Chief Justice.

May 1-1909 Supreme Court, } January Term, A. D. 1909.
Territory of Arizona. } Phoenix, Arizona. Saturday May 1, 1909.

Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "

F. A. Gritle Jr., Clerk
M. B. Calderwood, Crier.
F. J. Duncan, Bailiff.

The following business was transacted-

No. 262. Territory of Arizona,
Appellant,
vs.
Thomas G. Norris,
Respondent.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, and heretofore submitted, be, and the same is, hereby denied.

No. 270. Albert Ryan,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Respondent, and heretofore submitted, be, and the same is hereby, denied.

No. 271. Territory of Arizona,
Appellant,
vs.
Thomas G. Norris,
Respondent.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, and heretofore submitted, be, and the same is hereby, denied.

No. 1009. James H Hunt,
Plaintiff in Error,
vs.
The United Globe Mines,
a corporation,
Defendant in Error.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Plaintiff in Error, and heretofore submitted, be, and the same is hereby, denied.

No. 1047. Daniel Hawkins, et al.,
Appellants,
vs.
Frank O. Helms, et al.,
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellants, and heretofore submitted be, and the same is hereby, denied.

No. 1057. J. H. Erith, et al.,
Appellants,
vs.
Frank Powers et al.,
Appellees.

May 1-'09 The Motion for Rehearing filed herein by Appellants, and heretofore submitted, be and the same is hereby denied.

F. C. Farish, et al.,
Appellants,
vs.
No. 1058. The Pinequita Copper Company, et al.,
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellees and heretofore submitted, be and the same is hereby, denied.

The United Globe Mines,
a corporation,
Appellant,
vs.
No. 1061. Gila County and H. H. Brookes Treasurer, etc.,
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, and heretofore submitted, be, and the same is hereby, denied

Old Dominion Copper Mining and Smelting Company, a corporation
Appellant,
vs.
No. 1062. Gila County and H. H. Brookes, Treasurer, etc.,
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, and heretofore submitted, be and the same is hereby, denied.

No. 1063.

Arizona Commercial Copper Company, a corporation,
Appellant,
vs.
Gila County and D. R. Hilliamson, Treasurer, etc.,
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, and heretofore submitted, be and the same is hereby, denied.

No. 1069.

Charles Clason,
Appellant,
vs.
Nick Matko, et al.,
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, and heretofore submitted, be and the same is hereby, denied.

No. 1070.

C. R. Cunningham, Administrator of the Estate of Antonio Cerutti, deceased,
Appellant,
vs.
McKeen Lng, et al.,
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, and heretofore submitted, be, and the same is hereby denied.

No. 1072.

E. O. McDonald,
Plaintiff in Error,
vs.
E. E. Cox,
Defendant in Error.

[illegible]

May 1, '09 Trial Etc. Motion for Rehearing filed herein by Plaintiff in Error, and hereto for submitted, he, and the same is hereby denied.

Ira E. Salladay, as father of Hattie Salladay, an infant, deceased, for the use & benefit of the Estate of said deceased infant,

Appellant,

No. 1073. vs.

Old Dominion Copper Mining & Smelting Company, a corporation,

Appellee.

} At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, and heretofore submitted, &c, and the same is hereby, denied

The Title Guaranty & Surety Company, a corporation,

Appellant,

No. 1074. vs.

H. F. Nichols,

Appellee.

} At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, and heretofore submitted, &c, and the same is hereby denied.

Lizzie B. Murphey, et al.,

Appellants,

No. 1075. vs.

Joseph H. Brown, et al.,

Appellees.

} At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellants, and heretofore submitted, &c, and the same is hereby denied.

No. 1077.

Charlotte Pickthall, Administratrix of the Estate of John Edwin Francis, deceased,
Appellant
vs.
Albert Steinfeld,
Appellee.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, and heretofore submitted, be, and the same is hereby, denied.

No. 1078.

The World's Fair Mining Company,
Appellant,
vs.
Frank Ames, et al.,
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, and heretofore submitted, be, and the same is hereby, denied.

No. 1079.

Leon Bonnier, et al.,
Appellants,
vs.
Charles Grass,
Appellee.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellee, and heretofore submitted, be, and the same is hereby, denied.

No. 1087.

E. J. Overbeck,
Appellant,
vs.
Edith E. Bagwell
Appellee.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellee, and heretofore submitted, be, and the same is hereby, denied.

May 1, '09 by Appellant, and heretofore submitted, &c, and the same is hereby denied.

No. 1088 Albert Steinfeld, et al.,
Appellants,
vs.
Mary Nielsen, Administratrix of the Estate of Carl S. Nielsen, deceased, and Mary Nielsen in her own personal right,
Appellees

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellees, and heretofore submitted, &c, and the same is hereby, denied.

No. 1093 A. Sandoval, et al.,
Appellants,
vs.
The United States Fidelity and Guaranty Company, a corporation,
Appellee.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellee, and heretofore submitted, &c, and the same is hereby, denied.

No. 1100 C. Ehrenbaum, et al. Executors,
Appellants,
vs.
The Kern County Mining & Milling Company, et al.,
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellants, and heretofore submitted, &c, and the same is hereby, denied.

Louis Leckendorf,
Appellant,
No. 1101. vs.
Albert Steinfeld, et al.,
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant and heretofore submitted, be, and the same is hereby, denied.

Leon Frazier, et al.,
Appellants,
No. 1079. vs.
Charles Fraser,
Appellees.

At this day it is ordered by the Court that the Motion to Retax the costs, filed herein by Appellees, and heretofore submitted, be, and the same is hereby granted ~~to the extent of striking out of the bill of costs of Appellees the fee of Transcript for Record and leaving out of the Appellees Transcript of Record~~ and costs retaxed in the sum of two hundred thirty-nine and 50/100 ($239.50) Dollars and accrued costs in this court, taxed at three and 35/100 ($3.35) Dollars.

Ordered that mandate issue in favor of Plaintiffs in Error and Appellants and against Defendants in Error and Appellees.

The Virginia Fibre Company, Limited, a corporation,
Appellant,
No. 1052. vs.
William Allen Littlefield,
Appellee.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, and heretofore submitted, be continued until the next session of the Court, November 8, 1909, next ensuing, unless disposed of during that period.

May 1-09 Frank Powers, et al.,
Appellants,
No. 1076 vs.
Florida Fair Mining Company,
a corporation,
Appellee.

At this day it is ordered by the Court that the Motion to Offset Cost Bill, filed herein by Appellants, and heretofore submitted, be, and the same is hereby granted, and the judgment rendered against Frank Powers and Josephine Powers, Appellants herein, on the 20th day of March, 1909, in the sum of twenty-two and 95/100 ($22.95) Dollars be satisfied and discharged of record, and that said amount be credited upon the judgment rendered on the 30th day of March, 1906, in their favor and against the said Florida Fair Mining Company in case No. 914, and that said judgment last named be partially satisfied and discharged to the extent of twenty-two and 95/100 ($22.95) Dollars.

Yee Dick Jong,
Appellant,
No. 1090 vs.
United States of America,
Appellee.

The Motion to Dismiss the Appeal filed herein by Appellee, having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises:

It is ordered that said motion be granted and the appeal herein be and the same is hereby dismissed.

The City of Tucson, and the Common Council of the City of Tucson,

Appellants,

No. 1115. vs.

O. J. Nave,

Appellee.

The Motion to Affirm the Judgement of the District Court, filed herein by Appellee, having been heretofore submitted and to the Court taken under advisement and the Court having considered the same and being fully advised in the premises

It is ordered that said motion be granted and the judgment of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from the City of Tucson and the Common Council of the City of Tucson, Appellants herein, his costs in this cause, taxed at twelve {$12.00} ------ Dollars, together with his costs in the court below in this cause incurred

John Randolfo, et al.,

Petitioners,

No. 1116. vs.

The Board of Supervisors of Pima County, Arizona, and John Mahoney, et al, Members, etc.,

Respondents.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises;

It is ordered that the application for writ of mandamus be granted, and the writ of mandamus

May 1- '09.

No. 1094.

California Fruit Canning Company et al.,
Appellants,
vs.
Martin Cartelli,
Appellee.

At this day it is ordered by the Court that Appellants' Motion to strike from the bill of costs filed herein by Appellee the sum of thirty eight ($38.00) Dollars charged for Reporters Transcript, be granted, and that said item of thirty-eight ($38.00) Dollars be stricken from said cost bill, and costs retaxed at forty and 95/100 ($40.95) Dollars, together with his costs in the court below in this cause incurred.

No. 1101.

Louis Zeckendorf,
Appellant, and Appellee.
vs.
Albert Steinfeld, et al.,
Appellees and Appellants.

At this day comes M. F. C. Curley, for Louis Zeckendorf Appellant herein, in open court, and gives notice of appeal to the Supreme Court of the United States from the judgment of this court, and

Upon motion of M. F. C. Curley it is ordered that the appeal be and the same is hereby allowed, the amount of the cost bond fixed in the sum of One Thousand ($1000.) Dollars, and the Mandate stayed for thirty days.

No. 1101.

Louis Zeckendorf,
Appellant and Appellee
vs.
Albert Steinfeld, et al.,
Appellees and Appellants.

At this day comes Mr. Eugene S. Ives, for Albert Steinfeld, et al., Appellants herein, in open court, and gives notice of a cross appeal to the Supreme Court of the

United States from the judgment of this Court, and

Upon motion of Mr. Eugene S. Ives, it is ordered that the cross appeal be and the same is hereby allowed and the amount of the supersedeas bond be fixed in the sum of thirty thousand ($30,000.) Dollars.

F. E. Faich, et al.,
Appellants,

No. 1058. vs.

The Cienequita Copper Company,
Corporation organized under the
Laws of the Territory of Arizona, et al.,
Appellees.

And this day comes Mr. Eugene S. Ives for Appellees herein, in open court, and gives notice of appeal to the Supreme Court of the United States from the judgment of this Court, and

Upon motion of Mr. Eugene S. Ives, it is ordered that the notice of appeal be entered, the appeal be and the same is hereby allowed and the amount of the cost bond be fixed in the sum of One Thousand ($1,000.) Dollars.

M. Sandoval, et al.,
Appellants,

No. 1093. vs.

The United States Fidelity and
Guaranty Company, a corporation,
Appellee.

And this day comes Mr. Eugene S. Ives for Appellee herein, in open court, and gives notice of appeal to the Supreme Court of the United States from the judgment of this Court, and

Upon motion of Mr. Eugene S. Ives, it is ordered that the notice of appeal be entered, the appeal be and the same is hereby allowed and the amount of the cost bond fixed at the sum of One Thousand ($1,000.) Dollars.

No. 1004

James F. Hart,
Plaintiff in Error,
vs.
The United Coal Mines,
a corporation,
Defendant in Error.

It this day comes F. M. Francis M. Hartman for Plaintiff in Error herein, in open court, and gives notice of appeal to the Supreme Court of the United States, from the judgment of this Court, herein

Upon petition of F. Francis M. Hartman it is ordered that the notice of appeal be entered, the appeal be and the same is hereby allowed, the amount of the bond fixed in the sum of One Thousand ($1,000.) Dollars, and the Mandate stayed for sixty days.

No. 1088

Albert Steinfeld, et al.,
Appellants,
vs.
Mary Nielsen, Administratrix of the Estate of Carl Nielsen, deceased, & Mary Nielsen in her own personal right,
Appellees.

It this day comes Mr. Francis M. Hartman for Appellees herein, in open court, and gives notice of appeal to the Supreme Court of the United States, from the judgment of this Court, and

Upon motion of Mr. Francis M. Hartman it is ordered that the notice of appeal be entered, the appeal be and the same is hereby allowed, the amount of the bond fixed in the sum of One Thousand ($1,000.) Dollars, and the Mandate stayed for sixty days.

No. 1078.

The Mutual Fire Insuring Conference,
Appellant,
vs.
Frank Powell, et al.,
Appellees.

At this day comes Mr. Frank E. Conley for Appellant herein, in open court, and gives notice of appeal to the Supreme Court of the United States, from the judgment of this court, and

Upon motion of Mr. Frank E. Conley it is ordered that the appeal be and the same is hereby allowed, the amount of the cost bond fixed in the sum of One Thousand ($1,000.) Dollars, and the mandate stayed for thirty days.

No. 1074.

The Title Guaranty & Surety Company, a corporation,
Appellant,
vs.
H. F. Nichols,
Appellee.

At this day comes Mr. C. F. Ainsworth, attorney for Appellant herein and gives notice in open court of his intention to ask for a writ of Error from the Supreme Court of the United States from the judgment rendered against them in this court and

Upon motion of Mr. C. F. Ainsworth that sixty days be granted within which to prepare and file the writ and that a supersedeas bond be ordered and the amount of it fixed, it is ordered that the same be stayed for sixty days, he and the same is hereby granted

No. 1075.

(E. D. Bedwell,
Plaintiff in Error,
vs.
C. E. Cox,
Defendant in Error.

May 1- '09 for Plaintiff in Error herein and there upon, and gives notice of Appeal to the United States Circuit Court of Appeals for the Ninth District, and asks that the amount of the supersedeas bond be fixed,

It is ordered that the application be and the same is hereby denied.

Elmer H. Duffield,
Petitioner,
vs.
No. 1080. Henry F. Ashurst, as District Attorney of Coconino County, Arizona Territory,
Respondent.

At this day upon motion of Mr. L. H. Chalmers for Petitioner herein, it is ordered that Petitioner be granted thirty days within which to amend his petition.

It was announced by the Court, as a suggestion to counsel, that errors in entering Judgments might be saved if Counsel would prepare a Form of Judgment for submission in cases where there might be doubt as to the phraseology of the Judgment.

On motion of Rush McKinney, Esq., it is ordered that John H. Lund Esq. who holds a Certificate from the Supreme Court of the State of California, be admitted to practice in this Court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Lund took the required oaths.

It is ordered that this court stand adjourned until November 8, 1909, at 10 o'clock A. M.

Edward Kent
Chief Justice.

In the Supreme Court of the Territory of Arizona.

By-a-lil-le, Polly, Disco,
By-a-lil-le-he-tah, Sr., At-city,
Dis-cla-e, Tha-il-chee-nah-ki-
he-ga and Cliz-e-plon-he-ga,
Navajo Indians,
Petitioners & Appellants,

vs.

No. 273. United States of America,
Respondent & Appellee.

And now, to-wit, on the 23 day of June, 1909, this cause coming on to be heard upon the foregoing application to withdraw notice of appeal and allowance thereof, it is hereby ordered that leave be granted to the United States of America to withdraw its notice of appeal with the allowance thereof, as prayed for in the foregoing application.

Edward Kent.
Chief Justice of the
Territory of Arizona.

Nov. 8, 1909. Supreme Court, } January Term, A. D. 1909.
Territory of Arizona. } Phoenix, Arizona, Monday, November 8, 1909.

Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" John H. Campbell, " "
" Ernest W. Lewis " "
" Edward M. Doe, " "
F. A. Gritts, Jr., Clerk,
M. H. Calderwood, Crier,
F. J. Duncan, Bailiff.

The following business was transacted:

Report of the Board of Examiners for Admission to the Bar, November Term, 1909.

To the Supreme Court of the Territory of Arizona:

The Board of Examiners for admission to the Bar respectfully present the following report of the examination conducted by them at Phoenix, Arizona, on November 5 and 6, 1909 and attach herewith as a part of this report the list of questions propounded to applicants, and a tabulated statement showing the subjects, the percentage secured by each applicant on each subject, and the total percentage secured by each applicant upon all the subjects in which questions were propounded. In explanation of the system of marking shown upon the tabulated statement herewith attached, the Committee states that there was a total of 100 questions propounded; that the value of each question was "one", and that the standard of perfection in each subject corresponds with the total number of questions propounded in each subject.

As a result of this examination, and based upon the tabulated statement above referred to, we respectfully recommend that the following named persons who have participated in this

Committee satisfactory evidence of their right to take this examination, and who have answered correctly more than 70 per cent of the questions propounded by the Board, be admitted at this Term of Court to practice at the Bar of the Supreme Court of the Territory of Arizona:-

J.C. Gung'l,
Archibald L. Harper,
M.J. Dougherty,
James Fitzgerald Jones,
L.C. Hardy,
Archibald C. McKillop,
W.J. Galbraith
E.V. Horton,
Edw. L. Turner,
John L. Gust,
Daniel M. Hunsaker,
Harry E. Pickett,
J.E. Nelson,

Supplemental to this report this Committee submits herewith the statement of Mr. Bennett and Mr. Stineman showing the statutory allowance and expenses incidental to the holding of this examination. This statement is complete with the exception of the cost of printing the questions propounded, which statement is not yet received by this Committee. The statements are herewith submitted to the Chief Justice of the Supreme Court for his approval, in accordance with Section 6, Chapter 76, of the session laws of 1907 of the Territory of Arizona.

Respectfully submitted,
Walter Bennett,
George J. Stineman,
S.L. Kingan.

The Report of the Board of Examiners having been accepted by the Court, it is ordered that Mr. J.C. Gung'l, Mr. Archibald L. Harper, Mr. M.J. Dougherty, Mr. James Fitzgerald Jones, Mr. L.C. Hardy, Mr. Archibald C. McKillop, Mr. E.V. Horton, Mr. Edw. L. Turner, Mr. John L. Gust, Mr. Daniel M. Hunsaker, Mr. Harry E. Pickett, Mr. J.E. Nelson, and Mr. W.J. Galbraith, be admitted to practice as attorneys and counselors at law of this Court upon [illegible]

Nov. 8, '09 scribed by Chapter 76, Laws of 1907.

Whereupon, in open court, Mr. J. C. Gumgil, Mr. Archibald L. Harper, Mr. M. J. Dougherty, Mr. James Fitzgerald Jones, Mr. L. C. Haidy, Mr. Archibald C. McKillop, Mr. C. V. Horton, Mr. Edw. L. Gunyon, Mr. John L. Gust, Mr. Daniel M. Hamsaker, Mr. Harry E. Pickett, Mr. J. C. Nelson and Mr. W. J. Galbraith, took the required oaths.

On motion of Mr. Ben Goodrich, it is ordered that Mr. L. F. Vaughn, who holds a certificate from the Supreme Court of Missouri be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Vaughn took the required oaths.

On motion of Mr. J. H. Langston, it is ordered that Mr. William Condon, who holds a certificate from the Supreme Court of the State of Illinois, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Vaughn took the required oaths.

On motion of Mr. Frank J. Duffy, it is ordered that Mr. John C. Patton, who holds a certificate from the Supreme Court of the State of California, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Patton took the required oaths.

On motion of Mr. O. H. Hayes, it is ordered that Mr. Henry H. Howard, who holds a certificate from the Supreme Court of the State of Oklahoma, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court, Mr. Howard took the required oaths.

On motion of Mr. Thonald Larson, it is ordered that Mr. Sidney Sapp, who holds a certificate from the Supreme Court of the State of Missouri, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court, Mr. Sapp took the required oaths.

On motion of Mr. Paul Burke, it is ordered that Mr. Thomas A. Flynn, who holds a certificate from the Supreme Court of the State of Ohio, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court, Mr. Flynn took the required oaths.

On motion of Mr. George D. Steuernan, it is ordered that Mr. A. C. Henry, who holds a certificate from the
be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court, Mr. Henry took the required oaths.

Nov. 8, '09

On motion of Mr. George L. Stineman, it is ordered that Mr. H. V. Faiton, who holds a certificate from the Supreme Court of the State of Nebraska, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court, Mr. Faiton took the required oaths.

On motion of Mr. George L. Stineman, it is ordered that Mr. O. L. Johnson, who holds a certificate from the Supreme Court of the State of Wisconsin, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court, Mr. Johnson took the required oaths.

John Conchin,
Appellant,
vs.
No. 1089 El Paso & Southwestern Railroad Company,
Appellee.

At this day, it is ordered by the Court that this cause be resubmitted.

Yee Dick Jong,
Appellant,
vs.
No. 1090 United States of America,
Appellee.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, be overruled.

Lee Kim Fong,
Appellant,
vs.
No. 1113 ✓
The United States,
Appellee.

At this day, it is ordered by the Court that this cause be resubmitted and continued until the January term, 1910.

John H. Crenshaw, Administrator with the Will annexed of the estate of James F. Simms, deceased,
Petitioner,
vs.
No. 1128 ✓
John C. Phillips, Judge of the Probate Court of Maricopa County, Arizona, et al.,
Respondents.

It is ordered by the Court that this cause be set for hearing Wednesday, November 10th, 1909.

It is ordered that this Court stand adjourned until tomorrow morning, November 9th, 1909 at 10 o'clock.

Edward Kent
Chief Justice.

Nov. 9, '09

Supreme Court, } January Term A.D. 1909.
Territory of Arizona. Phoenix, Arizona. Tuesday November 9, 1909.
Court Opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" John H. Campbell, " "
" Ernest W. Lewis " "
" Edward M. Doe. " "
F. A. Gritle Jr., Clerk
M. H. Calderwood, Crier,
F. J. Duncan, Bailiff.

The following business was transacted:

No. 1120.

H. A. Larson,
Plaintiff in Error,
vs.
The Territory of Arizona at the relation and to the use of D. R. Hillhouse, Treasurer and Ex-Officio Tax Collector in and for Gila County, Arizona Territory,
Defendant in Error.

At this day, it is ordered by the Court that the Motion to Affirm the Judgment of the lower court filed herein by Defendant in Error, be submitted.

No. 1121.

Santa Fe, Prescott and Phoenix Railway Company a corporation,
Appellant,
vs.
Arizona Smelting Company, a corporation, et al.,
Appellees.

At this day, it is ordered by the Court that the Motion to Dismiss Appeal, filed herein by Appellees, be submitted.

H. R. Davis,
Petitioner,
No. 1133 vs.
James H. Kearnes, Justice
of the Peace,
Respondent.

At this day, it is ordered by the Court that the Petition for Writ of Certiorari be submitted.

H. A. Larson,
Plaintiff in Error,
No. 1120 vs.
The Territory of Arizona at the
relation and to the use of
D. R. Williamson, Treasurer and
Ex-Officio Tax Collector in and for
Gila County, Arizona Territory,
Defendant in Error.

The Motion to Affirm the Judgment of the District Court, filed herein by Defendant in Error, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that said Motion be granted and the judgment of the District Court be, and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Defendant in Error herein do have and recover of and from H. A. Larson, Plaintiff in Error herein and J. H. Thompson and Walter Kyle, sureties on Bond on Writ of Error, the amount of the judgment entered in the District Court in this cause on the 6th day of November, A. D., 1908, with interest to be provided in said judgment, together with the costs in this Court in this cause expended, to-wit: at fourteen and 85/100 ($14.85) dollars.

Nov. 9, '97

No. 1121.

Santa Fe, Prescott and Phoenix Railway Company, a corporation, Appellant,

vs.

Arizona Smelting Company, a corporation, et al., Appellees.

At this day, it is ordered by the Court that the Motion to Dismiss the Appeal, filed herein by Appellees and heretofore submitted, be, and the same is hereby, denied.

No. 1121.

Santa Fe, Prescott and Phoenix Railway Company, a corporation, Appellant,

vs.

Arizona Smelting Company, a corporation, et al., Appellees.

At this day it is ordered by the Court that the Appellees herein be granted leave to file supplemental abstract of record.

No. 1133.

H. R. Davis, Petitioner,

vs.

James H. Kerr, Justice of the Peace, Respondent.

The Application for Writ of Certiorari filed herein having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises;

It is ordered that said Application be and the same is hereby denied, and petitioner is hereby allowed

Entered before the 10th day of December, 1909.

No. 1052. The Arizona Copper Company, Limited, a corporation, Appellant, vs. William Allen Gillespie, Appellee.

At this day it is ordered by the Court that the Motion for Re-hearing, filed herein by Appellant and heretofore submitted and continued, be continued until the January Term of Court, 1910.

No. 1052. The Arizona Copper Company Limited, a corporation, Appellant, vs. William Allen Gillespie, Appellee.

At this day it is ordered by the Court that Appellee herein be granted leave to file Statement resisting further suspension of injunction.

No. 1080. Elmer H. Duffield, Petitioner vs. Henry F. Ashurst, as District Attorney of Cochise County, Arizona Territory, Respondent.

At this day, on motion of Mr. L. C. Hughes for Petitioner, it is ordered by the Court that leave be granted to proceed until January 1910.

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Nov. 9. '09

No. 2574

James O. Storm,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, on motion of Mr. E. S. Clark for Respondent herein, it is ordered by the Court that the Remittitur and Mandate heretofore issued to the District Court in this cause be recalled.

It is further ordered that the order made and entered on the 11th day of November, 1908 staying the Remittitur in this cause be, and the same is hereby vacated, and that the Remittitur now issue.

On motion of Mr. H. H. Stilwell, it is ordered that Mr. M. J. Cochran, who holds a certificate from the Supreme Court of the State of Nevada, be admitted to practice in this Court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Thereupon, in open court Mr. Cochran took the required oaths.

On motion of Mr. J. C. Woodward, it is ordered that Mr. William Olander, who holds a certificate from the Supreme Court of the State of Minnesota, be admitted to practice in this Court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Thereupon, in open court Mr Olander took the required oaths.

On motion of Mr. S. B. Woodward, it is ordered that Mr. John D. Yates, who holds a certificate from the Supreme Court of the State of Indiana be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon in open court Mr. Yates took the required oaths.

It is ordered that this Court stand adjourned until Tomorrow, November 10th, 1909, at 10 o'clock A.M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A.D. 1909.
Territory of Arizona. } Phoenix, Arizona, Wednesday Nov. 10, 1909.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent Chief Justice.
" Fletcher M. Doan, Associate Justice.
" John H. Campbell, " "
" Ernest W. Lewis, " "
" Edward M. Doe, " "
F. A. Gritle Jr., Clerk.
M. H. Caldelwood, Crier,
F. O. Duncan, Bailiff.

The following business was transacted.

Yee Dick Jong, Appellant,
vs.
No. 1090 / United States of America, Appellee.

Motion for leave to withdraw bond and for the Certificate
Motion for leave to file bond and for the certificate

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Nov. 10, '09

No. 2721

William Robertson,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that this cause be dismissed for the term.

It is further ordered by the Court that Messrs. Kibbey, Bennett & Bennett be entered of counsel for Appellant herein.

No. 1105

The Meyer-Abel Company,
a corporation, et al.,
Plaintiffs in Error,
vs.
The Industrial Building & Loan Association, a corporation,
Defendant in Error.

At this day, it is ordered by the Court that the Motion to quash the Writ of Error herein and dismiss the cause, filed herein by Defendant in Error, be submitted.

No. 1080

Elmer H Duffield,
Petitioner
vs.
Henry F. Ashurst as District Attorney of Coconino County, Arizona Territory,
Respondent.

At this day comes Mr. L. H Chalmers for Petitioner herein and moves the Court that the Petitioner be granted leave to withdraw Amendment to Petition for Writ of Mandamus, heretofore filed and file a new Amendment.

Whereupon the Court took said Motion under advisement.

John H. Grenshaw, Administrator with the Will annexed of the estate of James F. Simms, deceased,
Petitioner,

No. 1128 v

vs.

John C. Phillips, Judge of the Probate Court of Maricopa County, Arizona, et al.,
Respondents.

At this day, this cause, coming on regularly for hearing, was argued by Jos. H. Kibbey, Esq., for Petitioner and Paul A. Ingles, Esq., for Respondents, and cause ordered submitted.

It is ordered that this Court stand adjourned until tomorrow, November 11th, 1909, at 10 o'clock A. M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A. D. 1909.
Territory of Arizona. } Phoenix, Arizona, Thursday, November 11, 1909.

Court Opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" John H. Campbell " "
" Ernest W. Lewis, " "
" Edward M. Doe, " "
F. A. Gritts, Jr., Clerk.
M. H. Calderwood, Crier.
F. J. Duncan, Bailiff.

The following business was transacted:

Nov. 11, '09

No. 1080

Elmer H Duffield,
Petitioner,

vs.

Henry F. Ashurst as District Attorney of Cochise County, Arizona Territory,
Respondent.

At this day it is ordered by the Court that the Motion of Petitioner for leave to withdraw Amendment to Petition for Writ of Mandamus and to file a new Amendment, heretofore submitted, be and the same is, hereby denied.

John H. Crenshaw, Administrator with the Will annexed of the estate of James T. Simms, deceased,
Petitioner,

vs.

No. 1128

John C. Phillips, Judge of the Probate Court of Maricopa County, Arizona, et al.,
Respondents.

The Petition for Writ of Prohibition filed herein by Petitioner, having been heretofore argued by counsel for the Petitioner and Respondents and submitted, and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises; and being of the opinion that the Writ should issue as prayed for:

It is therefore ordered and adjudged by the Court that John C. Phillips, Judge of the Probate Court of Maricopa County, Arizona, and his successors in office, refrain from further proceeding in the matter of the Petition of F.E. Sanford, George A. Simmons, Charles F. Simms, Mary F. Brown and J.C. Hight filed in that Court on the 2nd day of October, 1909, praying.

for the revocation of the letters of administration of the estate of James T. Simms, deceased, with the Will annexed heretofore issued to said petitioner John H. Crawshaw, being the petition set out in the petition in this cause and that he, the said Phillips, he and he and his successors in office are hereby prohibited from any further proceedings in the premises, and that a writ of prohibition issue accordingly.

It is ordered that this Court stand adjourned until tomorrow, November 12th, 1909, at 10 o'Clock A.M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A.D. 1909.
Territory of Arizona. } Phoenix, Arizona, Friday November 12, 1909.

Court opened at 10 o'Clock, A.M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice
" Ernest W. Lewis, " "
F.A. Gritle Jr., Clerk.
M.H. Calderwood, Crier,
T.J. Duncan, Bailiff.
The following business was transacted.

Albert Steinfeld, and The Silver Bell Copper Company, a corporation,
Appellant,

vs.

No. 1088 Mary Nielsen, Administratrix of the Estate of Carl S. Nielsen, deceased, and Mary Nielsen in her own personal right,
Appellee.

At this day it is ordered by the Court that all

Nov. 12, 09 in this court he, and the same are hereby with-
drawn, and a Certificate of the Chief Justice in
regard to Statement of Facts, filed

Albert Steinfeld, et al.,
Appellant,
vs.
No. 1088 ✓
Mary Nielsen, Administratrix
of the Estate of Carl S. Nielsen,
deceased, and Mary Nielsen in
her own personal right,
Appellee.

At this day it is ordered by the Court that the time within which to prepare and file the Transcript of Record in this cause in the Supreme Court of the United States be, and the same is hereby enlarged sixty days.

Meyers-Abel Company, a corporation,
John Downs, Martha Downs, Benjamin
Downs, and F. H. Nelson, Trustee,
Plaintiffs in Error,
No. 1105 ✓
vs.
Industrial Building & Loan
Association, a corporation,
Defendant in Error.

The Motion to quash the Writ of Error herein and dismiss this cause in this court, filed herein by Defendant in Error, having been heretofore submitted and by the Court taken under advisement and the Court having considered the same, and being fully advised in the premises:

It is ordered by the Court that said Motion be granted, and the Writ of Error be and the same is hereby quashed and the cause dismissed.

It is further ordered, adjudged and decreed that the Defendant in Error herein, the Industrial Building & Loan Association, a corporation, do have and recover of and from the Meyers-Abel Company, a corporation, John Downs, Martha Downs, Benjamin Downs and F. H. Nelson, Trustee, Plaintiffs in Error herein, and United States Fidelity & Guaranty Company, surety on Supersedeas Bond herein, its costs in this cause in this cause expended, taxed at twenty-six ($26.00) dollars.

Meyers-Abel Company, a corporation, et al.,
Plaintiffs in Error,
vs.
No 1105 Industrial Building & Loan Association, a corporation,
Defendant in Error.

On motion of Mr. W. H. Stilwell, attorney for Defendant in Error herein, it is ordered that the Mandate in this cause issue forthwith.

It is ordered that this court stand adjourned sine die.

Edward White
Chief Justice.

In the Supreme Court of the Territory of Arizona.

In the Matter of the Appointment of a United States Court Commissioner.

Application having been made by Charles F. Bennett, who resides at the town of Casa Grande, Arizona, in the Third Judicial District of Arizona, to be appointed United States Court Commissioner at such place and it appearing that he is a competent, trustworthy person qualified to act, and that there is no United States Court Commissioner residing within thirty miles of said town and that it is not within thirty miles of any local land office, it is

Ordered that Charles F. Bennett be and he hereby is appointed United States Court Commissioner at the town of Casa Grande, Arizona, with all the duties, privileges and emoluments unto said office appertaining and belonging, to take effect upon his qualifying therefor according to law, and it is

Further Ordered that a certified copy of this order of appointment be transmitted by the Clerk of this Court to The Attorney General.

Dated, Phoenix, November 8, 1909.

Edward Kent.
Chief Justice of the Supreme Court of Arizona.

Oath of Office of Charles F. Bennett.

United States of America,
Territory of Arizona.

I, Charles F. Bennett, do solemnly swear that I will support and defend the Constitution of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation, or purpose

of evasion; and that I will well and faithfully discharge the duties of the office of United States Court Commissioner at Casa Grande, Arizona, for the Third Judicial District of Arizona, on which I am about to enter. So help me God.

Chas. F Bennett.

Sworn and subscribed to before me this 4th day of November, 1909.

Elias F. Dunlevy,
Clerk District Court,
By E. S. Curtis,
Deputy Clerk.

(Seal)

In the Supreme Court of the Territory of Arizona.

In the Matter of the Appointment of a United States Court Commissioner.

Application having been made by M. J. Cochran, who resides at the town of Parker, Arizona, in the First Judicial District of Arizona, to be appointed United States Court Commissioner at such place and it appearing that he is a competent, trustworthy person qualified to act and that there is no United States Court Commissioner residing within thirty miles of said town and that it is not within thirty miles of any local land office, it is

Ordered that M. J. Cochran be and he hereby is appointed United States Court Commissioner at the town of Parker, Arizona, with all the powers, privileges and emoluments to said office appertaining and belonging, to take effect from the date hereof.

Further Ordered that a certified copy of this order of appointment be transmitted by the Clerk of this Court to The Attorney General.

Dated, Phoenix, November 11th, 1909.

Edward Kent,
Chief Justice of the Supreme Court of Arizona.

Oath of Office of M. J. Cochran.

United States of America,
Territory of Arizona.

I, M. J. Cochran, do solemnly swear that I will support and defend the Constitution of the United States of America against all enemies, foreign and domestic; that I will bear faith and allegiance true to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office of United States Court Commissioner at Bisbee, Arizona, for the First Judicial District of Arizona, on which I am about to enter. So help me God.

M. J. Cochran.

Subscribed and sworn to before me this 13th day of November, 1909.

Harry E. Ward,
Notary Public.

(Seal)

Supreme Court } Regular January Term A.D. 1910.
Territory of Arizona. } Phoenix, Arizona. Monday January 10, 1910

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" John H. Campbell, " "
" Ernest W. Lewis, " "
" Edward M. Doe, " "

F. A. Tritle, Jr., Clerk
M. H. Calderwood, Crier.
F. J. Duncan, Bailiff.

The following business was transacted.

The Arizona Copper Company Limited, a corporation,
Appellant,
vs
No. 1052. William Allen Gillespie,
Appellee.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by appellant and heretofore submitted, be and the same is hereby denied.

On motion of Mr. Frederick S. Nave, it is ordered that Mr. John McHee, who holds a certificate from the Appellate Court of the First District State of Illinois, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Thereupon, in open court Mr. McHee took the required oaths.

On motion of Mr. Geo. D. Christy, it is ordered that Mr. Burton Carter, who holds a certificate from the Supreme Court of [illegible] be admitted to [illegible]

Jan. 10. 1910 taking the oather prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Parker took the required oaths.

Report of the Board of Examiners for Admission to the Bar.

January Term, 1910.

To the Supreme Court of the Territory of Arizona:

The Board of Examiners for admission to the Bar respectfully present the following report of the examination conducted by them at Phoenix, Arizona, on January 7th and 8th, 1910, and attach herewith as a part of this report the list of questions propounded to applicants, and a tabulated statement showing the subjects, the percentage earned by each applicant upon all the subjects in which questions were propounded. In explanation of the system of marking shown upon the tabulated statement herewith attached, the Committee states that there was a total of 100 questions propounded; that the value of each question was "one", and that the standard of perfection in each subject corresponds with the total number of questions propounded in each subject.

As a result of this examination, and based upon the tabulated statement above referred to, we respectfully recommend that the following named persons who have presented to this Committee satisfactory evidence of their right to take this examination, and who have answered correctly more than 70 per cent of the questions propounded by the Board, be admitted at this Term of Court to practice at the Bar of the Supreme Court of the Territory of Arizona:-

Otis G. Baughan
H. S. Crane,
H. C. Fritz.

And he further desire to report that at the November Session of this Court Mr. John F. Cannon presented to the Committee satisfactory evidence of his right to take the examination, and that he took the examination and answered correctly more than 70 per cent of the questions propounded to him, but that by inadvertence of the Board of Examiners the name of Mr. Cannon was omitted from the list of applicants who were recommended for admission to the Bar of this Court.

We therefore recommend that Mr. John F. Cannon be now admitted to the Bar of this Court.

Dated this 10th day of January, 1910

Respectfully submitted,
Walter Bennett,
Chairman.

The report of the Board of Examiners having accepted, the Court ordered that Mr. Otis J. Vaughan, Mr. W. S. Crowe, Mr. V. C. Wilde and Mr. John F. Cannon be admitted to practice in this court upon taking the oather prescribed by Chapter 76, Laws of 1907.

Thereupon, in open court, Mr. Vaughan, Mr. Crowe, Mr. Wilde and Mr. Cannon took the required oather.

No. 2791

William F. Dutton,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that Briefs herein be submitted on Monday

Jan. 10- '10

No. 2814

Francisco Marquez,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that this cause be submitted on briefs.

No. 2844

R. D. Hoodell,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, on motion of attorney for appellant, it is ordered by the Court that oral argument be granted in this cause, the date of hearing to be announced later.

No. 1106

Southern Pacific Company,
a corporation,
Appellant,
vs.
Katherine Hogan,
Appellee.

At this day, it is ordered by the Court that this cause be passed until tomorrow.

No. 1107

Southern Pacific Company,
a corporation,
Appellant,
vs.
F. K. Richey,
Appellee.

At this day, it is ordered by the Court that this cause be submitted on briefs.

Southern Pacific Railroad Company, a corporation,
Appellant,
No. 1108. vs
Hans Svendsen,
Appellee.

At this day, on motion of Mr. Frank Cox, attorney for appellant herein, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for January 14th, 1910.

Lee Kim Fong,
Appellant,
No. 1113. vs.
The United States,
Appellee.

At this day, it is ordered by the Court that this cause be submitted.

John Gudolfo, et al.,
Petitioners,
No. 1116. vs.
The Board of Supervisors of Yuma County, Arizona, and John H. Shanssey, et al., Members of the Board of Supervisors of Yuma County,
Respondents.

At this day, it is ordered by the Court that this cause be submitted.

Jan. 10-'10

No. 1117 | Felix Mayhew,
Appellant,
vs.
Daniel J. Briden,
Appellee.

At this day, upon motion of Mr. O'H. O'Sullivan for appellee, it is ordered by the Court that one hour be granted for oral argument in this cause, and the hearing set for January 13th, 1910.

No. 1119 | Ernest E. Hughes, et al.,
Appellants,
vs.
Cadena de Cobre Mining Company, a corporation,
Appellee.

At this day, on motion of Mr Neale for appellee, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for January 19, 1910.

No. 1131 | G. U. Ingersoll,
Appellant,
vs.
W. E. Scott,
Appellee.

At this day, it is ordered by the Court that this cause be submitted.

No. 1134 | Frank Baxter,
Appellant,
vs.
John H. Dorrington,
Appellee.

At this day, it is ordered by the Court.

that this cause be submitted.

Santiago Rivera, Administrator,
with Will annexed of the Estate
of Frank Ely, deceased,
Appellant,

No. 1138 vs.

The New Mexico and Arizona
Railroad Company, a corporation,
Appellee.

At this day, on motion of Mr. Carl Burke, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for January 12, 1910.

Jennie Meade,
Appellant,

No. 1139 vs.

A. L. De Mund,
Appellee.

At this day, it is ordered by the Court that this cause be submitted.

W. D. Halladay, et al.,
Appellants,

No. 1140 vs.

M. D. Hall, et al.,
Appellees.

At this day, it is ordered by the Court that this cause be submitted.

Jan. 10-'10

William A. Paine, et al., co-partners doing business under the name and style of Paine, Webber & Co.,

Appellants,

No. 1149.

vs.

Copper Belle Mining Company of Arizona, Defendant,
James B. Riley, Intervenor,
Appellees.

At this day, on the call of the Calendar, it is ordered by the Court that this cause be passed for the present.

Ivan Harfeld,

Plaintiff in Error,

No. 1151.

vs.

The Detroit Copper Mining Company of Arizona, a corporation,

Defendant in Error.

At this day, on the call of the Calendar, it is ordered by the Court that this cause be continued for the term.

S. J. Williams,

Appellant,

No. 282.

vs.

Territory of Arizona,

Respondent.

At this day, on motion of Mr. H. E. Ricket, attorney for appellant it is ordered by the Court that thirty minutes be granted for oral argument in this cause and the hearing set for January 13, 1910

Frank Schmidt,
Appellant,
No. 285 vs.
Territory of Arizona,
Respondent.

At this day, on motion of Mr. Neale, attorney for Appellant, it is ordered by the Court that thirty minutes be granted for oral argument in this cause; and the hearing set for January 18th, 1910.

John Conchin,
Appellant,
No. 1089 vs.
El Paso & Southwestern Railroad Company, a corporation,
Appellee.

At this day, it is ordered by the Court that this cause be submitted.

Paul B. Hancikova, et al.,
Appellants,
No. 1104 vs.
Thomas P. Cowan,
Appellee.

At this day, on motion of Mr. H. L. Pickett, attorney for Appellee, it is ordered by the Court that thirty minutes be granted for oral argument in this cause, and the hearing set for January 18th, 1910.

Douglas Gray
Appellant,
No. 1118 vs.
August Garau,
Appellee.

At this day, it is ordered by the Court that this cause be submitted.

1130

Jan. 10- '10

The Territory of Arizona at the relation and to the use of J. N. Gaines, Tax Collector in and for the County of Cochise, Territory of Arizona,

Appellant,

vs.

No. 1130.

Copper Queen Consolidated Mining Company, a corporation,

Appellee.

At this day, on the call of the Calendar, it is ordered by the Court that this cause be passed until Thursday morning.

On motion of Mr. E. S. Clark, it is ordered that Appellant be granted leave to file reply to Motion to Dismiss filed herein.

United States of America,

Appellant,

vs.

No. 1137.

Yong Lee Foo,

Appellee.

At this day, it is ordered by the Court that this cause be submitted on briefs.

United States of America,

Appellant,

vs.

No. 1137.

Yong Lee Foo,

Appellee

At this day, it is ordered by the Court that the United States' attorney be granted five days within which to file reply brief.

C. H. Hicks as County Treasurer of Cochise County, et al.,
Appellants,
No. 1142. vs.
J. C. Brigham, et al.,
Appellees.

At this day, on motion of Mr. Neale, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for January 18th, 1910.

Cochise County,
Appellant,
No. 1143. vs.
George B. Wilcox, Clerk of the District Court of the Second Judicial District of the Territory of Arizona,
Appellee.

At this day, it is ordered by the Court that this cause be submitted.

Thomas Fuller, et al.,
Appellants,
No. 1153. vs.
Adam Kinney,
Appellee.

At this day, it is ordered by the Court that the Motion to Affirm Judgment, filed herein by Appellee, be submitted.

Jan. 10-10

No. 276.

Frank Spence,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that oral argument be granted in this cause, that thirty minutes for argument be allowed and the hearing set for January 17th, 1910.

No. 277.

E. D. Hurley,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for January 17th, 1910.

No. 280.

Walter Atkin,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that this cause be submitted.

No. 1114.

Phoenix Railway Company,
a corporation,
Appellant,
vs.
Lee H. Landis, Administrator
of the Estate of George H.
Sanders, deceased,
Appellee.

At this day, on motion of Mr. L. H. Chenoweth

attorney for appellant, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for January 11th, 1910.

Elmer H. Duffield,
Petitioner
vs.
No. 1080 Henry F. Ashurst, as District Attorney of Coconino County, Arizona Territory,
Respondent.

The Court having heretofore on the 20th day of March by opinion filed herein, sustained the demurrer of the respondent to the petition herein, judgment having been entered thereon, and on the first day of May, 1909, having granted the application of the petitioner to file an amendment to the petition, and such amendment having been filed on the 29th day of May, 1909, and on the 9th day of November, 1909, this matter having been continued to the next term of court, and the petitioner having on the 27th day of December, 1909, served notice upon the attorney for the respondent of a motion to be made on the 10th day of January, 1910, to make a further amendment to said petition, and said motion having come this day on to be heard, and the petitioner having requested leave to withdraw the former amendment heretofore filed on the 29th day of May, 1909, and substitute therefor the amendment to the petition attached to said notice, and no one appearing in opposition to said motion,

It is ordered that the petitioner may withdraw the amendment filed on the 29th day of May, 1909, and may file as of this date the amendment attached to the notice of motion.

Jan. 10-'10

No. 1121

Santa Fe, Prescott and Phoenix Railway Company, a corporation,
Appellant,

vs.

Arizona Smelting Company, a corporation,
Appellee.

At this day, on motion of Mr. Paul Burks, attorney for appellant, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for January 19th, 1910.

No. 1127

Arizona Smelting Company, a corporation, J. Kearney Rice, Trustee in Bankruptcy of Arizona Smelting Company,
Appellants,

vs.

Cecil B. Gemell, et al.,
Appellees.

At this day, on motion of Mr. Dyne, attorney for appellants, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for January 19th, 1910.

No. 1133

H. R. Davis,
Petitioner,

vs.

James H. Kinsinger, Justice of the Peace,
Respondent.

At this day, on the call of the Calendar, it is ordered by the Court that this cause be passed.

No. 1145 ✓

Atchison, Topeka & Santa Fe Railway Company, a corporation,
Appellant,
vs.
G. H. Coffin and H. C. Bayless, co-partners doing business under the firm name and style of Bayless & Coffin,
Appellees.

At this day, on motion of Mr. Paul Burke, attorney for appellant, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for January 21st, 1910.

No. 1146 ✓

Dennis A. Burke,
Appellant,
vs.
M. J. Hickey,
Appellee.

At this day, it is ordered by the Court that this cause be submitted on brief.

It is further ordered that Mr. Robt. E. Morrison attorney for appellee herein be granted until January 25th, 1910, in which to file his brief.

No. 1147 ✓

J. H. Sullivan,
Appellant,
vs.
Albert M. Jones,
Appellee.

At this day, it is ordered by the Court that this cause be submitted on brief.

It is further ordered that appellee herein be granted until January 17th, 1910, in which to file his brief.

Jan. 10-'10

Vernda and Ricketts,
co-partners,
Appellants,

No. 1148 ✓

vs.

J. F. Dowdy,
Appellee.

At this day, it is ordered by the Court that Mr. Robt. E. Morrison, attorney for appellee herein, be granted fifteen days within which to file his brief.

It is further ordered that this cause be submitted on briefs.

William Robertson,
Appellant,

No. 272 ✓

vs.

Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for January 14th, 1910.

Justin O. Rose,
Appellant,

No. 283 ✓

vs.

Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that Mr. A. C. Baker and Mr. John McGowan be entered of record as counsel for appellant herein

It is further ordered that oral argument be granted in this cause, and the hearing set for January 14th. 1910.

E. D. Van Veen,
Appellant,
No. 1103. vs.
County of Graham,
Appellee.

At this day it is ordered by the Court that this cause be submitted on briefs.

Gila Valley, Globe and Northern Railway Company, a corporation,
Appellant,
No. 1110. vs.
John Hall,
Appellee.

At this day it is ordered by the Court that this cause be submitted on briefs.

Creekey L. Mosier,
Plaintiff in Error,
No. 1112. vs.
Gila Valley Globe and Northern Railway Company, a corporation,
Defendant in Error.

At this day it is ordered by the Court that this cause be passed until January 13th, subject to action on motion to dismiss writ of Error.

Lavina Lee Randall, heir at law of Joshua O. Lee, deceased, Intervenor,
Appellant,
No. 1122. vs.
P. C. Fox,
Appellee.

At this day it is ordered by the Court that oral argument be granted on Friday, the [illegible] hearing of [illegible]

Jan. 10. 10

No. 1125 V

John Harper,
Appellant,
vs.
Independence Development Company, a corporation, et al.,
Appellees.

At this day, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for January 20, 1910.

No. 1141 V

Mrs. Margaret Ellen Deal,
Appellant,
vs.
The Territory of Arizona, at the relation and to the use of John D. Williams, as Treasurer and Ex-Officio Tax Collector of said County, et al.,
Appellees.

At this day, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for January 13, 1910.

No. 1150 V

Shannon Copper Company, a corporation,
Appellant,
vs.
Dell M. Potter,
Appellee.

At this day, on motion of Mr. Ben Goodrich attorney for Appellant, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for January 12th 1910.

It is further ordered, on motion of Mr. Frederick S. Hart, attorney for appellee herein, that appellee be granted until January 31st in which to file brief.

Jesse C. Pearce,
Appellant,
No. 275 v. vs.
Territory of Arizona,
Respondent.

At this day, upon motion of Mr. H.C. Baker, it is ordered by the Court that he be allowed to withdraw as counsel for appellant in this cause.

Jesse C. Pearce,
Appellant,
No. 276 vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that this cause be submitted.

Robert Stewart,
Appellant,
No. 278 vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that this cause be submitted.

Cataract Oil Company,
a corporation, et al.
Plaintiffs in Error,
No. 1095 vs.
Frances Allen Burr, et al,
Defendants in Error.

At this day, it is ordered by the Court that this cause be placed upon the calendar to be heard on Friday, the [illegible]

Jan. 10-'10 that he be granted until Wednesday in which to file answer to motion

R. A. Kiton,
Appellant,
No. 11091 vs.
The Board of Medical
Examiners of Arizona,
Appellee.

At this day, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for January 14th, 1910.

Frank Luke and John Luke,
Appellants,
No. 11234 vs.
Jesse Hoyt Smith,
Appellee.

At this day, on motion of Mr. Walter Bennett for appellants, it is ordered by the Court that one and one-half hours be granted for oral argument in this cause and the hearing set for January 15th, 1910.

H. S Geiss, et al.,
Appellants,
No. 11244 vs.
Jesse Ryan, et al.,
Appellees.

At this day, on motion of Mr. Geo Goodrich for appellants, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for January 20th, 1910.

F. R. Brandt,
Appellant,
No. 1126. vs.
M. D. Scribner, et al.,
Appellees.

At this day, on motion of Mr. H. L. Ricket, for appellant, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for January 21st, 1910.

P. C. Dagger, as Administrator of the estate of P. C. Dagger, deceased, et al.,
Appellants,
No. 1129. vs.
Hugh R. Dagger, et al.,
Appellees.

At this day, it is ordered by the Court that this cause be submitted on briefs.

Thompson Walker, et al.,
Appellants,
No. 1132. vs.
Celeste H. Blake, et al.,
Appellees.

At this day, on motion of Mr. Jos. H. Kibbey for appellants, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for January 24th, 1910.

Jan. 10-10

No. 1136.

Santa Fe, Prescott and Phoenix Railway Company, a corporation,
Appellant,
vs.
Grant Brothers Construction Company, a corporation,
Appellee.

At this day, on motion of Mr. L. H. Chalmers for appellant, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for January 21st, 1910

No. 1144.

John H. Crenshaw, Administrator with the Will annexed of the estate of James F. Simms, deceased,
Plaintiff in Error,
vs.
F. E. Sanford,
Defendant in Error.

At this day, on motion of Mr. Jos. H. Kibbey, for Plaintiff in Error, it is ordered that this cause be continued for the term.

No. 1130.

The Territory of Arizona at the relation and to the use of J. N. Gaines, Tax Collector in and for the County of Cochise, Territory of Arizona,
Appellant,
vs.
Copper Queen Consolidated Mining Company, a corporation,
Appellee.

At this day, on motion of Mr. H. L. Pickett for Appellant, it is ordered by the Court that one and one-half hours be granted for oral argument in this cause, and the hearing set

for January 25th, 1910, subject to the motion to Dismiss.

No. 1149 William A. Paine, et al., co-partners doing business under the name and style of Paine, Webber & Co., Appellants, vs. Copper Belle Mining Company of Arizona, Defendant, James B. Riley, Intervenor, Appellees.

At this day, attorneys for appellants and appellees consenting, it is ordered by the Court that this cause be continued for the term.

No. 1135 Brooklyn Mining and Milling Company, a corporation, Appellant, vs. Charles C. Miller, et al., Appellees.

At this day, on motion of Mr. Reese M. Ling for Appellees, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for January 24, 1910.

It is further ordered that Appellant herein be granted until the 24th of January within which to file reply brief.

No. 2844 R. D. Hoodsell, Appellant, vs. Territory of Arizona, Respondent.

It is ordered that [illegible]

Jan. 10. '10 oral argument be granted in this cause, and the hearing set for January 24, 1910.

The Arizona Copper Company, Limited, a corporation,
Appellant,

No. 1052. vs.

William Allen Gillespie,
Appellee.

At this day comes Mr. Walter Bennett for appellant herein, in open court, and gives notice of appeal to the Supreme Court of the United States, from the judgment of this Court.

Justin O. Rose,
Appellant,

No. 283. vs.

Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that the Motion to Dismiss the appeal, filed herein by Respondent, be submitted.

Potomac Oil Company, et al.,
Plaintiffs in Error,

No. 1095. vs.

Frances Ellen Bunn, et al.,
Defendants in Error.

At this day, it is ordered by the Court that the Motion to Dismiss Writ of Error filed herein by Defendants in Error, be submitted.

Phil S. Hughes, et al.,
Appellants,
No. 1099. vs.
The Flowing Wells Company,
Appellee.

At this day, it is ordered by the Court that the Motion to Dismiss the appeal, filed herein by appellant, be submitted.

Ouley L. Yates,
Plaintiff in Error,
No. 1112. vs.
Gila Valley, Globe and Northern Railway Company,
Defendant in Error.

At this day, it is ordered by the Court that the Motion to Dismiss Writ of Error filed herein by Defendant in Error, be submitted.

The Territory of Arizona at the relation and to the use of J. N. Gaines, Tax Collector in and for the County of Cochise, Territory of Arizona,
Appellant,
No. 1130. vs.
Copper Queen Consolidated Mining Company, a corporation,
Appellee.

At this day, it is ordered by the Court that the Motion to Dismiss the appeal filed herein by appellee, be submitted.

Jan. 10-10

No. 1134

Frank Baxter,
Appellant,
vs.
John H. Dorrington,
Appellee.

At this day it is ordered by the Court that the Motion to have the names of Rees & O'Sullivan entered of record as associate counsel for appellant herein, be submitted.

No. 1152

William Wilson,
Appellant,
vs.
The Mount Antelope Gold Mining Company,
Appellee.

At this day it is ordered by the Court that the Motion to Dismiss the appeal filed herein by appellee, be submitted.

It is ordered that this Court stand adjourned until Tomorrow morning, January 11th, 1910 at ten o'clock

Erwin Hawk
Chief Justice.

Supreme Court, } January Term A. D. 1910
Territory of Arizona. } Phoenix, Arizona, Tuesday January 11-1910
Court Opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice
" John H. Campbell, " "
" Ernest W. Lewis, " "
" Edward M. Doe, " "
F. A. Gritle Jr., Clerk.
M. H. Calderwood, Crier.
F. J. Duncan, Bailiff.

The following Business was transacted.

Justin O. Rose,
Appellant,
vs
No. 283. Territory of Arizona,
Respondent.

At this day it is ordered by the Court that the Motion to Dismiss the appeal, filed herein by Respondent and heretofore submitted, be, and the same is hereby, denied.

Phil S. Hughes, Frank L. Conklin, and R. R. Schmeitzer, Water Overseers of Farmer's Ditch,
Appellants,
vs.
No. 1099. The Flowing Well Company, a corporation,
Appellee.

The Motion to Dismiss the Appeal, filed herein by Appellants having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered by the Court that said motion

Jan. 11-12 granted, and the appeal be, and the same is thereby, dismissed.

Frank Baxter,
Appellant,
No. 1134 vs.
John H. Dorrington,
Appellee.

At this day, it is ordered by the Court that the motion to have the names of Ross & O'Sullivan entered of record as associate counsel for appellant filed herein and heretofore submitted be and the same is hereby granted.

Presley L. Moses,
Plaintiff in Error,
No. 1112 vs.
Gila Valley, Globe and Northern Railway Company, a corporation,
Defendant in Error.

At this day, on motion of Mr. Geo. H Crosby Jr. attorney for Plaintiff in Error herein, it is ordered by the Court that he be granted until January 13th, in which to file brief on motion to dismiss Writ of Error.

On motion of Mr. A. C. Baker, it is ordered that Mr. Henry Hufferman, who holds a certificate from the District Court of the Third Judicial District of the Territory of Arizona in and for Maricopa County, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr Hufferman took the required oaths.

On motion of Mr. Paul Burks, it is ordered that Mr. N. A. Vyne, who holds a certificate from the District Court of the Fourth Judicial District of the Territory of Arizona in and for the County of Yavapai, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Vyne took the required oaths.

Gila Valley, Globe and Northern Railway Company, a corporation, Appellant,

No. 1110 vs

John Hall, Appellee.

At this day, on motion of attorney for appellant herein, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for January 13th, 1910.

Arizona Smelting Company, a Corporation, J. Kearney Rice, Trustee in Bankruptcy of Arizona Smelting Company, Appellants,

No. 1127 vs.

Cecil G. Fennell, et al., Appellees.

At this day it is ordered by the Court that the hearing in this cause be changed from January 19th to January 26th.

Jan. 11-'10

No. 2824

S. J. Williams,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause coming on at this time for hearing was argued by Mr. Harry E. Pickett for appellant and cause ordered submitted.

No. 1133

H. R. Davis,
Petitioner,
vs.
James H. Kraemer, Justice of the Peace,
Respondent.

At this day, it is ordered by the Court that this cause be submitted.

No. 1114

Phoenix Railway Company, a corporation,
Appellant,
vs.
Lee H. Landis, Administrator of the estate of George W. Sanders, deceased,
Appellee.

At this day, on motion of Mr. J. M. Ross attorney for appellee herein, it is ordered by the Court that he be granted leave to add additional authority to appellee's brief.

Phoenix Railway Company,
a corporation,
Appellant,

No. 1114-A vs

Lee H. Landis, Administrator
of the estate of George W.
Sanders, deceased,
Appellee.

This cause coming on at this time for hearing was argued by Mr. L. H. Chalmers for appellant and Mr. J. M. Ross and Mr. J. M. Jamison for appellee, and cause ordered submitted.

Santa Fe, Prescott and Phoenix
Railway Company, a corporation,
Appellant,

No. 1121-A vs.

Arizona Smelting Company,
a corporation, et al
Appellees.

This cause coming on at this time for hearing was argued by Mr. Paul Burks and Mr. F. J. Norton for appellant and Mr. N. A. Tyler for appellee, and cause ordered submitted.

Santa Fe, Prescott and Phoenix
Railway Company, a corporation,
Appellant,

No. 1121-A vs

Arizona Smelting Company,
a corporation, et al.,
Appellees.

At this day, on motion of Mr. Paul Burks attorney for appellant herein, it is ordered by the Court that he be granted leave to add additional authorities to appellant's closing brief.

Jan. 11 - '10

No. 1133. H. R. Davis,
Petitioner,
vs.
James H. Kraemer, Justice
of the Peace,
Respondent.

At this day, on motion of Mr. Geo. H. Glover attorney for Petitioner herein, it is ordered by the Court that he be granted leave to filed amendment to Petition and Brief.

No. 1113. Lee Kim Fong,
Appellant,
vs.
The United States,
Appellee.

At this day, on motion of Mr. E. F. Jones, for appellant, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for January 26th, 1910.

No. 1132. Thompson Walker, et al.,
Appellants,
vs.
Celeste N. Blake, et al.,
Appellees.

At this day, it is ordered by the Court that the motion to Dismiss the appeal, filed herein by appellees, be submitted.

John H. Crenshaw, Administrator with the Will annexed of the Estate of James T. Simms, deceased, Plaintiff in Error,

No. 11447 vs

T. E. Sanford, Defendant in Error.

At this day, it is ordered by the Court that the Motion to Dismiss filed herein by Defendant in Error, be submitted.

Dennis A. Burke, Appellant,

No. 10467 vs.

M. J. Hickey Appellee.

At this day, it is ordered by the Court that the Motion to Dismiss the appeal filed herein by appellee, be submitted.

Jung Gon Jon, Appellant,

No. 11547 vs.

United States of America, Appellee.

At this day it is ordered by the Court that the Motion to be allowed bail filed herein by appellant, be submitted.

Jung Gon Jon, Appellant,

No. 11547 vs

United States of America, Appellee.

At this day, it is ordered

Jan. 11-'10 the Motion to Strike from the files appellant's abstract of record, filed herein by appellee be submitted.

It is ordered that this cause stand adjourned until tomorrow morning, January 12th, 1910 at ten o'clock.

Edward Kent
Chief Justice.

Supreme Court,
Territory of Arizona. } January Term A.D. 1910.
Phoenix, Arizona. Wednesday, Jan. 12-1910.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" John H. Campbell " "
" Ernest W. Lewis " "
" Edward M. Doe " "

F. A. Gittle Jr., Clerk,
M. H. Caldenwood, Crier.
F. J. Duncan Bailiff.

The following business was transacted

H. R. Davis,
Petitioner,
No. 1133 vs.
James H. Kinney,
Justice of the Peace,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises, and it appearing to the Court that the Respondent Justice James H. Kinney,

Justice of the Peace, exceeded his jurisdiction,

It is ordered that the judgement rendered by the said James H. Kraemer, Justice of the Peace of Ash Fork Precinct, County of Yavapai, Territory of Arizona, on the 24th day of April, 1909, in the case of H.R. Davis, Plaintiff vs. E.J. Cleary and Mrs. E.J. Cleary, in favor of the defendants, be, and the same is hereby set aside and held for naught.

It is further ordered that the order of said Justice of the Peace opening the default of the defendants and setting aside the judgment entered in said cause in favor of plaintiff and against the defendants, be, and the same is hereby vacated and held for naught.

It is further ordered, adjudged and decreed that the plaintiff herein, H.R. Davis, do have and recover of and from James H. Kraemer, Justice of the Peace, Respondent herein, his costs in this cause in this cause incurred, taxed at eighteen and 90/100 ($18.90) dollars.

No. 1153.

Thomas Fuller and A. McLockwood,
Appellants,
vs.
Clara Kinney,
Appellee.

The Motion to Affirm the judgement of the District Court, filed herein by appellee, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that said motion be granted and the judgement of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellee herein, Clara Kinney, do have and recover of and from Thomas Fuller and A. McLockwood, Appellants herein, and the Title Guarantee & Trust Co., Garnishee, [illegible]

Jan. 12-'10 {$13.20} Dollars, together with her costs in the court below in this cause incurred."

Dennis A. Burke,
Appellant,

No. 1146. vs.

M. J. Hickey,
Appellee.

The Motion to Dismiss the Appeal, filed herein by appellee, having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises;

It is ordered that said motion be granted and the appeal herein be, and the same is hereby dismissed.

It is further ordered, adjudged and decreed that M. J. Hickey, appellee herein, do have and recover of and from Dennis A. Burke, appellant herein, and R. H. Burcmicter and H. A. Cline, sureties on appeal bond herein, his costs in this court in this cause expended, taxed at five and 75/100 {$5.75} dollars.

Elmer H. Duffield,
Petitioner,

No. 1080. vs.

Henry F. Ashurst, as District Attorney of Coconino County, Arizona Territory,
Respondent.

This matter coming on to be heard upon the petition and the amendment thereto filed on the 10th day of January, 1910, and upon the demurrer thereto heretofore interposed, [illegible]

herein for the respondent denying the writ of mandamus, and that the respondent have his costs herein to be taxed.

Santiago Sirvea, Administrator,
with Will annexed of the Estate
of Frank Ely, deceased,
Appellant,

No. 1138 v. vs.

The New Mexico and Arizona
Railroad Company, a corporation,
Appellee.

This cause coming on at this time for hearing was argued by Mr. Selim M. Franklin for appellant and Mr. U.S. Clotfelter for appellee, and cause ordered submitted.

Shannon Copper Company
a corporation,
Appellant,

No. 1150 v. vs.

Dell M. Potter,
Appellee.

This cause coming on at this time for hearing was argued by Mr. Ben Goodrich for appellant and Mr. Frederick S. Nave for appellee, and cause ordered submitted.

Arizona Smelting Company,
Appellant,

No. 1127 v. vs.

Cecil G. Fennell, et al.,
Appellees.

[illegible]

Jan. 12-10 Dismiss the Appeal, filed herein by appellees, be submitted.

R. J. Dunnigan and J. Backstein,
Appellants,

No. 1155 vs.

First National Bank of Globe,
Arizona,

Appellee.

At this day, it is ordered by the Court that the motion to Affirm the Judgment of the District Court, filed herein by Appellee, be submitted.

It is ordered that this court stand adjourned until tomorrow morning, January 13th, 1910, at ten o'clock.

Edward Kent
Chief Justice.

Supreme Court, } January Term A. D. 1910.
Territory of Arizona. } Phoenix, Arizona. Thursday January 13, 1910.

Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" John H. Campbell, " "
" Ernest W. Lewis, " "
" Edward M. Doe, " "
F. A. Gritle Jr., Clerk.
M. H. Calderwood, Crier,
F. J. Duncan, Bailiff.

The following business was transacted.

No. 1112.

Ducky L. Mater,
Plaintiff in Error,
vs
Gila Valley Globe and Northern Railway
Company, a corporation,
Defendant in Error.

The Motion to Dismiss the Writ of Error, filed herein by Defendant in Error, having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that said motion be granted and the writ of error be, and the same is hereby, dismissed.

It is further ordered, adjudged and decreed that the Gila Valley, Globe and Northern Railway Company, a corporation, Defendant in Error herein, do have and recover of and from Ducky L. Mater, Plaintiff in Error herein its costs in this court in this cause expended taxed at nineteen and 70/100 ($19.70) dollars.

No. 1132

Thompson Walker, Mary H Walker and Denver Holcomley,
Appellants,
vs.
Celeste H Blake and Frank Blake, her husband, Georgia Holcomley, James Holcomley, Alice H Williams, and Josiah Williams, her husband, Burrell Holcomley, Neeley Holcomley, John Holcomley and Lee Holcomley,
Appellees.

The Motion to Affirm the judgment of the court below, filed herein by appellees, having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that said judgment of the

Jan. 13. '10 and the judgment of the court below be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the appellees herein do have and recover of and from Thompson Walker, Mary H. Walker and Denver Holmesley, appellants herein and George L. Compton and Alfred J. Peters, curatirs on Supersedeas Bond herein their costs in this cause taxed at twenty-one {$21.00} Dollars - - - - - - - - - - , together with their costs in the court below in this cause incurred

The Potomac Oil Company, a corporation, Thomas Scott, J. M. Dye, E. V. Dye, and M. J. Scott,

Plaintiffs in Error,

vs.

No. 1095

Frances Ellen Burr, Adelaide R. M. Barnard, Nelson C. Austin, and L. E. Pike,

Defendants in Error.

This Motion to Dismiss the Writ of Error, filed herein by Defendants in Error, having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that said motion be granted and the writ of error be, and the same is hereby, dismissed.

It is further ordered, adjudged and decreed that the Defendants in Error herein do have and recover of and from the Potomac Oil Company, a corporation, Thomas Scott, J. M. Dye, E. V. Dye and M. J. Scott, Plaintiffs in Error herein, and the American Surety Company of New York, (Surety

on Supersedeas Bond herein, their costs in this cause expended taxed at eight and 25/100 ($8.25) dollars.

Arizona Reducting Company
a corporation, et al.,
Appellants,

No. 1127 ✓ vs.

Cecil G. Gemell, et al.,
Appellees.

The Motion to Strike from the files the Transcript of Record and Transcript of Reporter's Notes and to Dismiss the Appeal, filed herein by appellees, not showing proof of service.

It is ordered that no action be taken in the matter.

The Territory of Arizona at the relation and to the use of J. N. Gaines, Tax Collector in and for the County of Cochise Territory of Arizona,
Appellant,

No. 1130 ✓ vs.

Copper Queen Consolidated
Mining Company, a corporation,
Appellee.

At this day it is ordered by the Court that the Motion to Dismiss the appeal, filed herein by appellee and heretofore submitted, be and the same is hereby, denied.

Jan. 13. 10

No. 1141.

Mrs. Margaret Ellen Deal,
Appellant,
vs.
The Territory of Arizona, at the relation and to the use of John D. Williams, as Treasurer and Ex-Officio Tax Collector of said County, et al.,
Appellees.

At this day it is ordered by the Court that this cause be submitted.

Upon Motion of Mr. John McGowan, attorney for appellant herein, it is ordered that he be granted ten days within which to file reply brief.

No. 1117.

Felix Mayhew,
Appellant,
vs.
Daniel J. Cristen,
Appellee.

This cause coming on at this time for hearing was argued by Mr. E. S. Ives for appellant and Mr. O'Sullivan for appellee, and cause ordered submitted.

No. 1110.

Gila Valley, Globe and Northern Railway Company, a corporation,
Appellant,
vs.
John Hall,
Appellee.

This cause coming on at this time for hearing was argued by Mr. E. S. Ives for appellant and by Mr. F. C. Baker for appellee, and cause ordered submitted.

Southern Pacific Company,
a corporation,
Appellant,
vs.
No. 1106. Katherine Horgan,
Appellee.

At this day, it is ordered by the Court that the Motion to Strike from the files the brief of Appellee, filed herein by Appellant, be submitted.

It is ordered that this court stand adjourned until tomorrow morning, January 14th, 1910, at ten o'clock.

Edward Kent
Chief Justice.

Supreme Court,
Territory of Arizona. } January Term, A. D. 1910.
Phoenix, Arizona. Friday, January 14, 1910
Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice
" Fletcher M. Doan, Associate Justice.
" John H. Campbell " "
" Ernest W. Lewis " "
" Edward M. Doe " "
F. A. Gritts Jr., Clerk.
M. H. Calderwood, Crier.
F. J. Duncan, Bailiff.

The following Decrees were Entered:-

Jerry Gee Jon,
Appellant,
No. 1154. vs.
United States of America,
Appellee.

Jan. 14. '10 the motion to Strike from the files appellant's abstract of record, filed herein by appellee and heretofore submitted, he, and the same is hereby, denied.

R. J. Dunnigan and J. Backstein,
Appellants,
vs.
No. 1155 ✓
First National Bank of Globe, Arizona,
Appellee.

The Motion to Affirm the Judgment of the District Court, filed herein by appellee, having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that said motion be granted and the judgment of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from R. J. Dunnigan and J. Backstein, appellants herein and H. E. Shaw, Ivan Hosfeld and C. O. Billingsley, sureties on Supersedeas Bond, the amount of the judgment entered in the district court in this cause on the 29th day of October, A.D. 1909, in favor of the plaintiff and against the defendants, with interest as provided in said judgment, together with its costs in this behalf in this cause expended, taxed at thirteen and 95/100 ($13.95) dollars.

Consolidated Gas & Electric
Co., a corporation,
Appellant,
No. 1096. vs.
H. A. Julian & Co., a corporation,
Appellee.

At this day, it is ordered by the Court that the appeal herein be, and the same is hereby, dismissed for want of prosecution.

The Southern Pacific Railroad
Company, a corporation,
Appellant,
No. 1108. vs.
Hans Svendsen,
Appellee.

This cause coming on at this time for hearing was argued by Mr. Frank Cox for appellant and by Mr. A.A. Hawley and Mr. E.F. Jones for appellee, and cause ordered submitted

William Robertson,
Appellant,
No. 272. vs.
Territory of Arizona,
Respondent.

This cause coming on at this time for hearing was argued by Mr. Jos. H. Kibbey for appellant and by Mr. W.J. Galbraith, Jr., for respondent, and cause ordered submitted.

Jan. 14. '10

No. 283. Justin O. Tree, Appellant,
vs.
Territory of Arizona, Respondent.

This cause coming on at this time for hearing was argued by Mr. John McGowan for appellant, and cause ordered submitted.

No. 283. Justin O. Tree, Appellant,
vs.
Territory of Arizona, Respondent.

At this day, on motion of Mr. H. C. Baker for appellant herein, it is ordered by the Court that he be granted one week within which to file brief.

It is further ordered that attorney for respondent herein be granted one week thereafter within which to file reply brief.

No. 1109. R. A. Aiton, Appellant,
vs.
The Board of Medical Examiners of Arizona, Appellee.

At this day it is ordered by the Court that the hearing of this cause be continued until tomorrow, January 15th.

It is ordered that this Court stand adjourned until tomorrow, January 15th, 1910, at 10 o'clock A. M.

Clerk

Supreme Court, Territory of Arizona. } January Term, A. D. 1910.
Phoenix, Arizona. Saturday, January 15, 1910.
Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" John H. Campbell, " "
" Ernest W. Lewis " "
" Edward M. Doe " "
F. A. Gittle Jr., Clerk.
M. H. Calderwood, Crier.
F. J. Duncan, Bailiff.
The following business was transacted.

R. N. Niton,
Appellant,
vs.
No. 1109 / The Board of Medical Examiners of Arizona,
Appellee.

This cause coming on at this time for hearing was argued by Mr. Fenn for appellant and Mr. W. J. Galbraith, Jr., for appellee, and cause ordered submitted.

Frank Luke and John Luke,
Appellants,
vs.
No. 1123 / Jesse Hoyt Smith,
Appellee.

On motion of Mr. C. F. Kinsworthy it is ordered by the Court that Mr. Lewis M. Ogden be admitted for the purpose of argument of this cause.

On motion of Mr. Lewis M. Ogden, it is ordered by the Court that he be granted leave to file appellee's petition for rehearing herein. It is further ordered that attorneys for both parties to the appeal herein do file [illegible]

Jan. 15. '10

No. 1123.

Frank Locke and John Locke,
Appellants,
vs.
Jesse Hoyt Smith,
Appellee.

This cause coming on at this time for hearing was argued by Mr. Walter Bennett for appellants, and Mr. Lewis M. Ogden and Mr. C. F. Ainsworth for appellee, and cause ordered submitted.

No. 1127

Arizona Smelting Company,
Appellant,
vs.
Cecil G. Fennell, et al.,
Appellees.

At this day it is ordered by the Court that the Motion to Strike from the files the Transcript of Record, and Reporter's Transcript, and to Dismiss Appeal, filed herein by appellees, be submitted.

It is ordered that this Court stand adjourned until Monday morning, January 17th, 1910, at ten o'clock.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A. D. 1910.
Territory of Arizona. } Phoenix, Arizona. Monday January 17, 1910.

Court opened at 10 o'clock, A. M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" John H Campbell, " "
" Ernest W. Lewis " "
" Edward M Doe, " "
F. A. Gritle Jr., Clerk,
M. H. Caldenwood, Crier.
T. J. Duncan, Bailiff.

The following business was transacted.

William Wilson,
Appellant,
No. 1152 vs.
The Mount Antelope Gold
Mining Company,
Appellee.

Comes now Mr. E. E. Marks for appellant herein and moves the Court for time to oppose appellee's motion to dismiss.

Justin O. Rose,
Appellant,
No. 283 vs.
Territory of Arizona,
Respondent.

At this day, on motion of Mr. A. C. Baker attorney for appellant herein, it is ordered by the Court that he be granted fifteen days within which to file reply brief.

Jan. 17 '10

Frank Luke and John Luke,
Appellants,

No. 1123. vs.

Jesse Hoyt Smith,
Appellee.

On motion of Mr. Walter Bennett, attorney for appellants herein, it is ordered by the Court that he be granted leave to make corrections in appellants Brief.

Frank Spence,
Appellant,

No. 276. vs.

Territory of Arizona,
Respondent.

This cause coming on at this time for hearing was argued by Mr. R.C. Talbot and Mr. A.L. Hammond for appellant and Mr. W.J. Galbraith, Jr. for respondent, and cause ordered submitted.

E.D. Hurley,
Appellant,

No. 277. vs.

Territory of Arizona,
Respondent.

This cause coming on at this time for hearing was argued by Mr. J.F. Wilson for appellant and Mr. W.J. Galbraith, Jr. for respondent, and cause ordered submitted.

It is ordered that this Court stand adjourned until tomorrow, January 18th, 1910, at 10 o'clock A.M.

Chief Justice.

Supreme Court, } January Term, A.D., 1910.
Territory of Arizona. } Phoenix, Arizona. Tuesday January 18, 1910.
Court Opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice
" Fletcher M. Doan, Associate Justice.
" John H. Campbell, " "
" Ernest W. Lewis, " "
" Edward M. Doe, " "
F. A. Gritle, Jr., Clerk.
M. H. Calderwood, Crier,
F. J. Duncan, Bailiff.

The following business was transacted:

Frank Schmidt,
Appellant,
vs.
No. 285 Territory of Arizona,
Respondent.

This cause coming on at this time for hearing was argued by Mr. Geo. H. Neale for appellant, and cause ordered submitted.

Frank Schmidt,
Appellant,
vs.
No. 285 Territory of Arizona,
Respondent.

At this day comes Mr. Geo. H. Neale, attorney for appellant herein, and moves the Court for an order admitting appellant to bail and fixing the amount of bail pending the appeal herein.

Whereupon the Court took said motion under advisement.

Jan. 18-'10

No. 1104.

Paul B. Hanneken, et al.,
Appellants,
vs.
Thomas O. Cowan,
Appellee.

On motion of Mr. H. L. Pickett, attorney for appellee herein, It is ordered by the Court that Mr. Harry E. Pickett be entered of record as associate counsel for appellee.

No. 1104.

Paul B. Hanneken, et al.,
Appellants,
vs.
Thomas O. Cowan,
Appellee.

This cause coming on at this time for hearing was argued by Mr. H. E. Pickett, for appellee, and cause ordered submitted.

No. 1142.

C. H. Hicks, as County Treasurer of Cochise County, et al.,
Appellants,
vs.
J. C. Koigtaum, et al.,
Appellees.

This cause coming on at this time for hearing was argued by Mr. J. M. O'Connell for appellees, and cause ordered submitted.

It is ordered that Court stand adjourned until tomorrow, January 19th, 1910, at 10 o'clock A. M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A. D. 1910.
Territory of Arizona. } Phoenix, Arizona. Wednesday, January 19, 1910.

Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice
" John H. Campbell, " " "
" Ernest W. Lewis, " " "
" Edward M. Doe, " " "
F. A. Gritle, Jr., Clerk.
M. H. Calderwood, Crier
T. J. Duncan, Bailiff.

The following business was transacted.

Southern Pacific Company,
a corporation,
Appellant,
vs.
No. 1106 Katherine Horgan,
Appellee.

At this day it is ordered by the Court that the Motion to Strike from the files Appellee's brief, filed herein by Appellant and heretofore submitted, be and the same is hereby granted.

Frank Schmidt,
Appellant,
vs.
No. 2857 Territory of Arizona,
Respondent.

The motion of appellant for fair pleading the appeal in this cause, having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises:

It is ordered that said motion be granted and the appellant herein be allowed to file [illegible] pleading the appeal herein, [illegible]

Jan. 19-'10 One Thousand ($1,000.) Dollars, the Fund to be approved by the Chief Justice.

Arizona Smelting Company
a corporation, J. Kearney Rice,
Trustee in Bankruptcy of
Arizona Smelting Company,
Appellants,

No. 1127 vs.

Cecil G. Tennell, et al.,
Appellees.

The Motion to Strike Transcript of Files and Pleadings, and Reporter's Notes, and to Dismiss the Appeal, filed herein by appellees, having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that said motion be granted and the appeal be and the same is hereby, dismissed.

It is further ordered, adjudged and decreed that the appellees herein do have and recover of and from the Arizona Smelting Company, bankrupt, and J. Kearney Rice, Trustee in Bankruptcy, appellants herein, and National Surety Company, a corporation, of New York, surety on appeal bond herein, their costs in this cause in this cause expended, taxed at (Costs paid by Appellants.)

Walter Atkin,
Appellant,
No. 280. vs.
Territory of Arizona,
Respondent.

At this day, on motion of Mr. A. L. Hammond, attorney for appellant herein, it is ordered by the Court that he be granted five days within which to file reply brief

Lana Lee Randall, heir at law
of Joshua O. Lee, deceased, Intervenor,
Appellant,
No. 1122. vs.
P. R. Fox,
Appellee.

This cause coming on at this time for hearing, was argued by Mr. J. M. O'Connell for appellant, and cause ordered submitted.

Ernest E. Houghes, et al.,
Appellants,
No. 1119. vs.
Cadena de Cobre Mining
Company, a corporation,
Appellee.

This cause coming on at this time for hearing was argued by Mr. Sutter and Mrs. Green for appellants, and Mr. Geo. H. Neale and Mr. Ben Goodrich for appellee; and cause ordered submitted.

Jan. 19- '10 Ernest E. Hughes, et al.,
Appellants,
No. 1119.X vs.
Cadena de Cobre Mining
Company, a corporation,
Appellee.

On motion of Mr. Swan for appellants herein, it is ordered by the Court that she be granted leave to add authority to her brief.

Court took a recess until 2 o'clock this afternoon.

Court reconvened at 2 o'clock P. M.
Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" John H. Campbell, " "
" Ernest W. Lewis " "
" Edward M. Doe, " "
and the clerk.
The following business was transacted.-

In the Matter of the
application of
William Grublund
for a
No. 2864 Writ of Habeas Corpus.

This matter coming on at this time for hearing was argued by Mr. Reese M. Ling for Petitioner and Mr. T. J. Galbraith Jr. for the Territory, and cause ordered submitted.

It is ordered that this Court stand adjourned until tomorrow, January 20th 1910, at 10 o'clock A. M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A. D. 1910.
Territory of Arizona } Phoenix, Arizona. Thursday, January 20, 1910.
Court Opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M Doan, Associate Justice.
" John H Campbell, " "
" Ernest W. Lewis " " "
" Edward M. Doe, " "
F. A. Gritle Jr., Clerk.
M. H Calderwood, Crier
F. J. Duncan, Bailiff.

The following business was transacted-

William Wilson,
Appellant,
vs.
No. 1152 / The Mount Antelope Gold Mining Company,
Appellee.

At this day, on motion of Mr. B. E. Marks, attorney for Appellant herein, it is ordered by the Court that he be granted until Saturday, January 22nd, within which to file brief in opposition to Motion to Dismiss-

John Harper,
Appellant,
vs.
No. 1125 / Independence Development Company, a corporation, et al.,
Appellees.

This cause coming on at this time for hearing was argued by Mr. H. M. Allen for appellant and Mr. G. R. Hill for appellees, and cause waived and submitted.

Jan. 20. 10

No. 1124

W. S. Ferris, et al.,
Appellants,
vs.
Jeff. Ryan, et al.,
Appellees.

On motion of Mr. A. C. Baker, it is ordered by the Court that he be granted permission to make corrections in appellants reply brief.

No. 1124

W. S. Ferris, et al.,
Appellants,
vs.
Jeff. Ryan, et al.,
Appellees.

This cause coming on at this time for hearing was argued by Mr. Ben Goodrich for appellants and Mr. Eugene S. Ives for appellees, and the time for adjournment having arrived, it is ordered by the Court that the argument in this cause be continued until tomorrow morning.

It is ordered that this Court stand adjourned until tomorrow, January 21st 1910 at 10 o'clock A. M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A. D. 1910.
Territory of Arizona. } Phoenix, Arizona. Friday, January 21, 1910.

Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" John H. Campbell, " "
" Ernest A. Lewis, " "
" Edward M. Doe, " "

F. A. Gritle, Jr., Clerk.
M. H. Caldenwood, Crier.
T. J. Duncan, Bailiff.

The following business was transacted.

At this day, the oath of office having been administered to Mr. Joseph E. Morrison by the Chief Justice, it was ordered that the oath be spread upon the minutes of the court.

Oath of Office of Mr. Joseph E. Morrison
United States Attorney for Arizona.

United States of America, } ss.
Territory of Arizona.

I, Joseph E. Morrison, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

Joseph E. Morrison.

Subscribed and sworn to before me
this 21st day of January, 1910.

Edward Kent
Chief Justice of the Supreme Court of Arizona
U. S.

Jan. 21-10

On motion of Mr. J. C. Morrison, it is ordered that Mr. Franklin B. Dorr, who holds a certificate from the Supreme Court of the State of Wisconsin, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Dorr took the required oaths.

No. 1136

Santa Fe, Prescott and Phoenix Railway Company, a corporation,
Appellant,
vs.
Grant Brothers Construction Company, a corporation,
Appellee.

At this day, on motion of Mr. A. C. Baker, attorney for appellee herein, it is ordered by the Court that Mr. Isidore B. Dockweiler, be admitted for the purpose of argument in this cause on behalf of appellee.

It is further ordered, on motion of Mr. Paul Brooks attorney for appellant herein, that Mr. N. H. Van Cott be admitted for the purpose of argument on behalf of appellant.

No. 286

In the Matter of the Application of William Grunlund for a Writ of Habeas Corpus.

This matter having heretofore come on to be heard upon the Petition and upon the Demurrer thereto, and having been submitted and by the Court taken under advisement, and the Court having considered the

came and being fully advised in the premises:
It is ordered that the Demurrer be sustained and the Petition be, and the same is hereby, dismissed

W. S. Lewis, et al.,
Appellants,
No. 1124 -vs-
Jeff Ryan, et al.,
Appellees.

This cause having been continued from yesterday and coming on now for hearing, argument was concluded by Mr. A. C. Baker for appellants, and cause ordered submitted.

Santa Fe, Prescott and Phoenix Railway Company, a corporation,
Appellant,
No. 1136 -vs-
Grant Brothers Construction Company, a corporation,
Appellee.

This cause coming on at this time for hearing was argued by Mr. Paul Burks and Mr. A. H. Van Ott for appellant and Mr. J. G. Dockwiler for appellee, and cause ordered submitted.

Court took a recess until 2:30 o'clock this afternoon.

Court reconvened at 2:30 o'clock P. M.
Present: Honorable Edward Kent, Chief Justice
" Fletcher M. Doan, Associate Justice
" John H. Campbell, "
" Ernest W. Lewis, "
" Edward M. Dar "
and the Clerk

Jan 21-'10

The following business was transacted:

Atchison, Topeka & Santa Fe
Railway Company, a corporation,
Appellant,

No. 1145 vs.

G. H. Coffin and H. C. Bayless, co-partners
doing business under the firm name
and style of Bayless & Coffin,
Appellees.

This cause coming on at this time for
hearing was argued by Mr. Paul Banks for
appellant and Mr. E. S. Clark for appellees, and
cause ordered submitted.

Atchison, Topeka & Santa Fe
Railway Company, a corporation,
Appellant,

No. 1145 vs.

G. H. Coffin and H. C. Bayless co-partners
doing business under the firm name
and style of Bayless & Coffin,
Appellees.

At this day on motion of Mr. Paul Banks,
for appellant herein, it is ordered by the Court
that he be granted fifteen days within which
to file reply brief.

It is ordered that this Court stand adjourned
until tomorrow, January 22nd, 1910 at 10 o'clock A.M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A.D. 1910.
Territory of Arizona. } Phoenix, Arizona. Saturday, January 22, 1910.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice
" Fletcher M. Doan, Associate Justice.
" John H. Campbell, " "
" Ernest W. Lewis " "
" Edward M. Doe, " "
F.A. Gritle, Jr., Clerk
M.H. Calderwood, Crier.
F.J. Duncan, Bailiff.

The following business was transacted.

On motion of Mr. S.C. Baker, it is ordered that Mr. Isidore B. Dockweiler, who holds a certificate from the Supreme Court of the State of California, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Dockweiler took the required oaths.

The Arizona Copper Company Limited, a corporation,
Appellant,
vs.
No. 1052. William Allen Gillespie,
Appellee.

At this day, comes Mr. Walter Bennett, attorney for appellant herein, in open court, and gives notice of appeal to the Supreme Court of the United States from the judgment of this Court and the order denying the Motion for Rehearing, and asks the Court to suspend the injunction granted in this action during the pendency of the appeal of this cause to the Supreme Court of the United States upon such terms as to bond or otherwise as it may consider proper for the protection of the appellee

Jan. 22-10 - Of the afternoon.

Upon motion of Mr. Thos. Armstrong Jr. attorney for appellee herein, it is ordered by the Court that he be granted time to affirm confession of the injunction, and cause continued until two o'clock this afternoon.

Lee Kam Gong,
Appellant,
vs.
No. 1113. The United States,
Appellee.

At this day, it is ordered by the Court that this cause be continued until Monday, January 24th, 1910.

F. R. Brandt,
Appellant,
vs.
No. 1126. M. D. Scribner, et al.,
Appellees.

This cause coming on at this time for hearing was argued by Mr. Rickett for appellant, and cause thereupon submitted.

Court took a recess until 2 o'clock this afternoon.

Court recommenced at 2 o'clock P. M.
Present: Honorable Edward Kent, Chief Justice
" Fletcher M. Doan, Associate Justice.
" John H. Campbell, " "
" Ernest H. Lewis, " "
" Edward M. Dow, " "
and the Clerk.

The following business was transacted.

The Arizona Copper Company,
Limited, a corporation,
Appellant,

No. 1052. vs.

William Allen Gillespie,
Appellee.

The matter of the suspension of the injunction granted in this cause coming on at this time for hearing was argued by Mr. Jos. H. Kibbey for appellant for the suspension of the injunction, and by Mr. Thos. Armstrong Jr., for appellee, in opposition thereto, and the matter then taken under advisement by the Court.

On motion of Mr. Thos. Armstrong Jr., it is ordered by the Court that he be granted until February 12th 1910, in which to file affidavits, and.

It is further ordered that appellant herein be granted five days thereafter within which to reply.

William A. Paine, et al.,
co-partners doing business
under the name and style of
Paine, Webber & Co.,
Appellants,

No. 1149. vs.

Copper Belle Mining Company
of Arizona, Defendant,
James B. Riley, Intervenor,
Appellees.

At this day on motion of Mr. Walter Bennett for appellants herein, it is ordered by the Court that the appellants herein be granted until May 1st, 1910, within which to file the abstract of record and their opening brief and

It is further ordered that the appellees be granted until the 1st day of August 1910 within which to file their brief and that the appellants have until the 1st day of [illegible]

Jan. 22-'10 to file reply brief if they desire to file such reply brief.

It is ordered that this Court stand adjourned until Monday, January 24th 1910, at 10 o'clock A.M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A.D. 1910.
Territory of Arizona. } Phoenix, Arizona. Monday January 24, 1910.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" John H. Campbell, " "
" Ernest W. Lewis, " "
" Edward M. Doe, " "
F. A. Tritle Jr., Clerk.
M. H. Calderwood, Crier
F. J. Duncan, Bailiff.

The following business was transacted.

William Wilson,
Appellant,
vs.
No. 1152 The Mound Antelope Gold
Mining Company,
Appellee.

The Motion to Dismiss the Appeal, filed herein by appellee, having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises:

It is Ordered that said motion be overruled and the appeal herein be and the

came is hereby dismissed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from William Wilson, appellant herein, its costs in this court in this cause expended, taxed at fifteen and 95/100 ($15.95) dollars.

On motion of Mr. L. H. Chalkley, it is ordered that Mr. Clifford C. Faires, who holds a certificate from the Supreme Court of the State of Florida, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Faires took the required oaths.

Brooklyn Mining and Milling Company, a corporation,
Appellant,
vs.
No. 1135. Charles C. Miller, et al.,
Appellees.

At this day on motion of Mr. Jno. J. Hawkins attorney for appellant herein, it is ordered by the Court that Mr. Frank S. Howell, be admitted for the purpose of argument in this cause on behalf of appellant.

Brooklyn Mining and Milling Company, a corporation,
Appellant,
vs.
No. 1135. Charles C. Miller, et al.,
Appellees.

This cause coming on at this term for hearing was argued by Mr. Frank S. Howell and [illegible]

Jan. 24. '10 for appellant, and Mr. J. M. Ross and Mr. Reed McKinley for appellees, and cause ordered submitted.

Lee Kim Fong,
Appellant,
vs.
No. 1113 ✓ The United States,
Appellee.

At this day, on motion of Mr. Geo. D. Christy, Assistant United States attorney, It is ordered by the Court that he be granted ten days within which to file additional brief.

It is further ordered that appellant therein be granted ten days thereafter within which to file reply brief.

Lee Kim Fong,
Appellant,
vs.
No. 1113 ✓ The United States,
Appellee.

At this day, it is ordered by the Court that this cause be submitted on briefs.

C. D. Woodell,
Appellant,
vs.
No. 284 ✓ Territory of Arizona,
Respondent.

This cause coming on at this time for hearing was argued by Mr. A. A. Hawley for appellant and Mr. Elston Dick for respondent and cause ordered submitted.

It is ordered that this Court stand adjourned until tomorrow, January 25th 1910, at 10 o'clock A. M.

Chief Justice.

Supreme Court, } January Term, A. D. 1910
Territory of Arizona. } Phoenix, Arizona. Tuesday January 25, 1910

Court opened at 10 o'clock A M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M Doan, Associate Justice
" John H Campbell " "
" Ernest W. Lewis " "
" Edward M Doe, " "
F. A. Gritle Jr., Clerk
M H Calderwood, Crier.
T. J. Duncan, Bailiff.

The following business was transacted.

The Territory of Arizona, at the relation and to the use of J. N. Gaines, Tax Collector in and for the County of Cochise, Territory of Arizona,

Appellant,

vs.

No. 1130. V

Copper Queen Consolidated Mining Company, a corporation,

Appellee.

This cause coming on at this time for hearing was argued by Mr. H. L. Ricket and Mr. E. S. Clark for appellant and Mr. E. E. Ellinwood for appellee and cause ordered submitted.

It is ordered that this Court stand adjourned until Monday, March 28th, 1910, at 10 o'clock A. M.

Edward Kent

Chief Justice.

1380

Supreme Court, Territory of Arizona. } January Term A. D. 1910.
Phoenix, Arizona. March 21, 1910.

Commission of Honorable Edward Kent, Chief Justice of Arizona.

William Howard Taft,
President of the United States of America,
To all who shall see these Presents, Greeting:

Know Ye, That reposing special trust and confidence in the Wisdom, Uprightness and Learning of Edward Kent of Arizona, I have commanded, and by and with the advice and consent of the Senate, do appoint him Chief Justice of the Supreme Court of the Territory of Arizona, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said Edward Kent, for the term of four years, commencing March 21, 1910, subject to the provisions of Law.

In testimony whereof I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

{Seal of the Department of Justice.}

Given under my hand at the City of Washington the twenty-fifth day of January in the year of our Lord one thousand nine hundred and ten and of the Independence of the United States of America the one hundred and thirty-fourth

By the President: Wm. H. Taft.
Geo. W. Wickersham,
Attorney General.

Oath of Office of
the Chief Justice.

Oath of Office for United States Judges.

I, Edward Kent, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Chief Justice of the Supreme Court of the Territory of Arizona, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office in which I am about to enter. So Help Me God.

Edward Kent.

Subscribed and sworn to before me, this 21st day of March, 1910.

C. C. Parker
Justice of the Peace
Phoenix Precinct,
Maricopa County,
Territory of Arizona.

Mch 28/10

Supreme Court, } January Term, A. D. 1910.
Territory of Arizona. } Phoenix, Arizona. Monday, March 28, 1910.

Court opened at 10 o'Clock A. M.

Present: Honorable Edward Kent, Chief Justice,
" Fletcher M. Doan, Associate Justice,
" John H. Campbell, " "
" Ernest W. Lewis, " "
" Edward M. Doe, " "

F. A. Gritle, Jr., Clerk.
M. H. Calderwood, Crier.
T. J. Duncan, Bailiff.

The following business was transacted.

At this day it is ordered by the Court that the Commission and Oathe of Mr. Associate Justice Doan be spread upon the minutes of this court.

William Howard Taft,
President of the United States of America,
To all Who shall see these Presents, Greeting:

Know Ye; That reposing Special Trust and confidence in the Wisdom, Uprightness and Learning of Fletcher M. Doan, of Arizona, I have nominated, and by and with the advice and consent of the Senate, do appoint him Associate Justice of the Supreme Court of the Territory of Arizona, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said Fletcher M. Doan, for the Term of Four Years, commencing March 28, 1910, subject to the provisions of Law.

In Testimony Whereof, I have

caused these Letters to be made patent
and the seal of the Department of
Justice to be hereunto affixed.
Given under my hand at the City of
Washington the Eighth day of February
in the year of our Lord one thousand
nine hundred and ten and of the
Independence of the United States of
America the one hundred and thirty-
fourth.

{Seal of the Department of Justice.}

By the President: Wm H. Taft.
Geo. W. Wickersham,
Attorney General.

Oath of Office of
Mr. Associate Justice Doan.

I, Fletcher M. Doan, do solemnly swear
that I will administer justice without respect to
persons, and do equal right to the poor and to
the rich, and that I will faithfully and impar-
tially discharge and perform all the duties
incumbent on me as Associate Justice of the
Supreme Court of the Territory of Arizona, ac-
cording to the best of my abilities and understand-
ing agreeably to the Constitution and laws of the
United States; and that I will support and
defend the Constitution of the United States
against all enemies, foreign and domestic; that
I will bear true faith and allegiance to the same;
that I take this obligation freely, without any
mental reservation or purpose of evasion;
and that I will well and faithfully discharge
the duties of the office on which I am about to
enter. So Help Me God.

Fletcher M. Doan.

Subscribed and sworn to before
me this 28th day of March, 1910.

(Seal)

Mch. 28, '10

Edward Kent,
Chief Justice of the Supreme Court
of the Territory of Arizona.

Supreme Court,
Territory of Arizona.

I, Fletcher M. Doan, do solemnly swear that I will support the Constitution of the United States and the Laws of the Territory of Arizona; that I will true faith and allegiance bear to the same, and defend them against all enemies whatsoever, and that I will faithfully and impartially discharge the duties of the office of Associate Justice of the Supreme Court of the Territory of Arizona, according to the best of my ability. So Help Me God.

Fletcher M Doan.

Subscribed and sworn to before me this 28th day of March A. D. 1910.

Edward Kent
Chief Justice of the Supreme Court
of the Territory of Arizona.

Arizona Smelting Company,
a corporation, J. Kearney
Rice, Trustee in Bankruptcy
of Arizona Smelting Company,
Appellants,

vs.

No. 1127. Cecil G. Gennell, et al.,
Appellees.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by Appellants, be submitted on the briefs filed.

It is ordered that this Court stand adjourned until Wednesday, March 30, 1910 at 10 o'clock A.M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A. D., 1910
Territory of Arizona. } Phoenix, Arizona. Wednesday, March 30, 1910.

Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice
" Fletcher M. Doan, Associate Justice.
" John H. Campbell, " "
" Ernest W. Lewis, " "
" Edward M. Doe, " "
F. A. Gritle Jr., Clerk
M. H. Calderwood, Crier,
F. J. Duncan, Bailiff.

The following business was transacted.

J. F. Foland,
Petitioner,
vs.
No. 1158. Board of Supervisors of Cochise County, Territory of Arizona, and J. J. McCabe, et al.,
Respondent.

At this day come the parties hereto by their attorneys respectively.

And thereupon this matter coming on to be heard upon the demurrer of Respondents to the Petition and Application for Writ of Mandamus herein is argued by counsel, and submitted to the Court.

Mch. 30, '10

On motion of Mr. Geo. D. Christy, it is ordered that Mr. W. S. Norviel, who holds a certificate from the Supreme Court of the State of California, be admitted to practice in this Court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Norviel took the required oaths.

Thompson Walker, et al.,
Appellants,
vs.
No. 1132 Celeste H. Blake, et al.,
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing, filed herein by Appellants, be submitted.

It is ordered that this Court stand adjourned until Saturday, April 2, 1910, at 10 o'clock A. M.

Chief Justice.

Supreme Court, } January Term, A. D. 1910
Territory of Arizona. } Phoenix, Arizona, Saturday, April 2, 1910

Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M Doan, Associate Justice.
" John H Campbell, " "
" Ernest W. Lewis, " "
" Edward M Doe, " "
F. A. Gritle Jr., Clerk.
M. H Calderwood, Crier,
F. J. Duncan, Bailiff.

The following business was transacted -

William D. Robertson,
Appellant,
vs.
No. 272. Territory of Arizona,
Respondent.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is, hereby affirmed.

Jesse R. Pearce,
Appellant,
vs.
No. 275. Territory of Arizona,
Respondent.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed. It

Mar. 2, '10

No. 276.

Frank Spence,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted, and by the Court taken under advisement and the Court having considered the cause and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

No. 277.

E. D. Hanley,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the cause and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby affirmed.

No. 278.

Robert Stewart,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the cause and being fully advised in the premises:

It is ordered that the judgment of the lower court be, and the same is hereby affirmed.

William T. Dutton,
Appellant,
vs.
No. 279. Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

Walter Atkin,
Appellant,
vs.
No. 280. Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby affirmed.

Francisco Manjuez,
Appellant,
vs.
No. 281. Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

120

Apr. 2, '10

No. 282.

S. J. Williams,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the cause, and being fully advised in the premises:

It is ordered that the judgment of the trial court be and the same is hereby affirmed.

Justin O. Rose,
Appellant,
No. 283. vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, reversed, and the defendant ordered discharged from custody.

It is further ordered, adjudged and decreed that the appellant herein do have and recover of and from the County of Graham, Territory of Arizona, his costs in this cause taxed at seventy-two and 75/100 ($72.75) dollars, together with his costs in the court below and this cause incurred.

R. D. Wooddell,
Appellant,
vs.
No. 284. ✓
Territory of Arizona,
Respondent.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the trial court be, and the same is hereby, affirmed.

Frank Schmidt,
Appellant,
vs.
No. 285 ✓
Territory of Arizona,
Respondent.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

John Cochise,
Appellant,
vs.
No. 1089 ✓
El Paso & Southwestern Railroad Company, a corporation,
Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed, [illegible]

Apr. 2, '10 Proceedings.

It is further ordered, adjudged and decreed that the appellant herein do have and recover of and from the El Paso & Southwestern Railroad Company, a corporation, appellee herein, his costs in this cause, taxed at {Eighty-Seven Dollars and Seventy-five Cents} ..... together with his costs in the Court below in this cause incurred.

No. 1103.

E. D. Van Veen,
Appellant,
vs.
Graham County,
Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, reversed and judgment entered in favor of the appellant, E. D. Van Veen, and against the appellee, the County of Graham, for the sum of one hundred and one and 75/100 {$101.75} dollars, and his costs in this cause, taxed at twenty-seven and 95/100 {$27.95} dollars, together with his costs in the Court below in this cause incurred.

No. 1104.

Paul B. Warnekros, Eli Blucher, and J. M. Collins,
Appellants,
vs.
Thomas F. Conran,
Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement,

and the Court having considered the cause and being fully advised in the premises;

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed, that Thomas F. Swan, appellee herein, do have and recover of and from Paul B. Hanneken, Eli Blucher and J. McCabe, appellants herein, and F. N. Wolcott and John Rock, sureties on appeal bond herein, his costs in this court, taxed at twenty-one ($21.00) dollars, together with his costs in the court below in this cause incurred.

Southern Pacific Company,
a corporation,
Appellant,

No. 1106. -vs-

Katherine Hogan,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises;

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from the Southern Pacific Company, a corporation, Appellant herein and M. C. Friedman and H. G. Fenny, sureties on Supersedeas Bond herein the sum of Three Thousand Two Hundred and Fifty ($3,250.) Dollars, together with her costs herein taxed at and her costs in the court below in this cause incurred, taxed at Two Thousand Two Hundred Twenty and 35/100 ($2220.35) Dollars.

Apr. 2, '10

Southern Pacific Company,
a corporation,
Appellant,

No. 1107. vs.

F. H. Richey,
Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises;

It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from the Southern Pacific Company, a corporation, appellant herein, and M. C. Friedman and H. B. Tenny sureties on Supersedeas Bond herein, the sum of Three Hundred and Thirty-six and 47/100 ($336.47) Dollars, together with his costs in this court, taxed at, forty ($40.00) dollars ----------
and his costs in the court below in this cause incurred, taxed at Thirty-six and 30/100 ($36.30) Dollars.

Southern Pacific Railroad
Company, a corporation,
Appellant,

No. 1108. vs.

Hans Svendsen,
Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises;

It is ordered that the judgment of the District Court be, and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of

and from the Southern Pacific Railroad Company, a corporation, appellant herein, and H.D. Fenny and M.O. Freeman, sureties on Supersedeas Bond herein, the sum of Five Thousand ($5,000.) Dollars, together with his costs in this court, taxed at and his costs in the court below in this cause incurred, taxed at One Hundred and Thirty-one and 70/100 ($131.70) Dollars.

R. A. Aiton,
Appellant,
vs.
No. 1109. The Board of Medical
Examiners of Arizona,
Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the appeal herein be, and the same is hereby, dismissed for want of jurisdiction.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of said Wm. R.A. Aiton, appellant herein, and W. M. Ward and H. S. Griswold, sureties on appeal bond herein, its costs in this court, taxed at Twenty and 20/100 ($20.20) Dollars.

Lee Kim Fong,
Appellant,
No. 1113. vs.
The United States,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully

Apr. 2, '10 fully advised in the premises:

It is ordered that the judgment of the District Court be, and the cause is hereby affirmed.

Phoenix Railway Company,
a corporation,
Appellant,

No. 1114. vs.

Lee H. Landis, Administrator of the estate of George W. Sanders, deceased,
Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the cause and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from the Phoenix Railway Company, a corporation appellant herein, and The United States Fidelity and Trust Company, a corporation, surety on Supersedeas Bond herein, the sum of Five Thousand ($5,000.) Dollars, together with his costs in this cause, taxed at ..... Dollars, and his costs in the court below in this cause incurred.

No. 1117.

Felix Mayhew,
Appellant,
vs.
Daniel J. Friedman
Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgement of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from Felix Mayhew, appellant herein, and Nick Larson and C. F. de Cree sureties on Supersedeas Bond herein, the sum of Two Thousand ($2,000.) Dollars, with interest thereon at the rate of six per cent. per annum from the 29th day of December, 1908, until paid, together with his costs in the court below in this cause incurred, taxed at Two Hundred Forty-six and 45/100 ($246.45) Dollars, and his costs in this court, taxed at One Hundred nine and 10/100 ($109.10) Dollars.

No. 1118.

Douglas Gray,
Appellant,
vs.
August Dann,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby reversed and judgment entered in this Court for the defendant [illegible]

Apr. 2, 10. of the plaintiff.

It is further ordered, adjudged and decreed that the appellant herein do have and recover of and from August Dann, appellee herein, his costs in this court, taxed at One Hundred thirty-one and 75/100 ($131.75) Dollars, together with his costs in the court below in this cause incurred, taxed at three and 35/100 ($3.35) dollars

Ernest E. Hughes, William M. Hennessy, Albert E. Zeh, James E. Kinsey, Mary Kinsey, Daniel Hennessy, John Fitzgerald, William O'Neil,

Appellants,

No. 1119. vs

Cadena de Cobre Mining Company, a corporation,

Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from Ernest E. Hughes, William M. Hennessy, Albert E. Zeh, James E. Kinsey, Mary Kinsey, Daniel Hennessy, and John Fitzgerald appellees herein, and R. J. Overlock and A. H. Hatchfield, sureties on appeal bond herein, its costs in this court, taxed at forty-seven and 20/100 ($47.20) dollars, together with its costs in the court below in this cause incurred.

Santa Fe, Prescott & Phoenix Railway Company, a corporation,
Appellant,

No. 1121 ✓ vs.

Arizona Smelting Company, a corporation, and J. Kearney Rice, Trustee in Bankruptcy of Arizona Smelting Company, Bankrupt, et al.,
Appellees.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the appellees herein do have and recover of and from the Santa Fe, Prescott and Phoenix Railway Company, appellant herein, and the National Surety Company, a corporation, surety on appeal bond herein, their costs in this court, taxed at thirty ($30.00) dollars, - - - - - - - - - - - together with their costs in the court below in this cause incurred.

Laura Lee Randall, suing in the place and stead of Joshua O. Lee, Intervenor,
Appellant,

No. 1122 ✓ vs.

O. R. Fox,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement of counsel, the Court having considered the same and being fully advised in the premises:

Apr. 2, '10

It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from Laura Lee Randall, appellant herein, and Jakob Schmid and L. J. Overlock, sureties on appeal bond herein, his costs in this court, taxed at thirty-one and 50/100 ($31.50) dollars, together with his costs in the District Court in this cause incurred

Frank Luke and John Luke,
Appellants,

No. 1133. vs.

Jesse Hoyt Smith,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from Frank Luke and John Luke appellants herein, and P. F. Hurley, J. W. Walker, Edward Eisele and Joseph Thatheimer sureties on Supersedeas Bond herein, all damages which he may sustain by the staying of the sale of the property pending this appeal, and

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from Frank Luke and John Luke, appellants herein and D. C. Babbitt and W. E. Thomas sureties on Cost Bond herein his costs in this court, taxed at forty-one ($41.00) _____ Dollars, together with his costs in the court below in this cause incurred.

W. S. Ferris, H. H. McKittrick
and The Pacific Surety Company,
Appellants,

No. 1124. vs.

Joseph Ryan, J. C. Ryan and
E. E. Ryan,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that should the appellees elect to file a remittitur in this court within twenty days hereafter, in the amount of Sixty-four Thousand Five Hundred Sixty-four and 63/100 ($64,564.63) Dollars, judgment shall be entered in this court in favor of the appellees and against the appellants and the sureties upon the bond on appeal, and against the Pacific Surety Company, surety upon the bond given in the court below, in the sum of Sixty-seven Thousand Four Hundred Thirty-five and 37/100 ($67,435.37) Dollars, with costs in the trial court and that the costs of this appeal, taxed at three hundred fifty-three and 70/100 ($353.70) dollars be awarded to the appellants; otherwise the judgment of the District Court is reversed and the cause remanded for a new trial.

John Harper,
Appellant,

No. 1125. vs.

The Independence Development
Company, a corporation,
Thomas E. Garrish, J. C. Goodwin
R. G. Goodwin and G. J. Rideaux,
Appellees.

This cause coming on to be heard [illegible]

Apr. 2, '10

and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises.

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the appellees herein do have and recover of and from John Harper, appellant herein, and Joseph J. Murphy and G. H. McCarrel, sureties on appeal bond herein, their costs in this cause taxed at twenty-nine and 15/100 ($29.15) dollars.

No. 1126.

F. R. Brandt,

Appellant,

vs.

M. D. Scribner and Emily C. Scribner, his wife,

Appellees.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises;

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the appellees herein do have and recover of and from F. R. Brandt, appellant herein, and C. L. Cummings and C. B. Tarbell, sureties on appeal bond herein, their costs in this cause taxed at thirty-two and 25/100 ($32.25) dollars, together with their costs in the court below in this cause incurred, taxed at twelve and 75/100 ($12.75) Dollars.

O.P. Daggs, as Administrator of the Estate of Robert E. Daggs, deceased, and John F. Daggs, as Administrator of the Estate of Malinda E. Daggs, deceased,

Appellants,

No. 1129. vs.

Hugh R. Daggs, P.E. Lyons, The London Company, a corporation, The Western Investment Company a corporation, The Arizona Corporation Charter Guaranty Company, a corporation, and the Calumet Consolidated Copper Company, a corporation,

Appellees.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that appellees Hugh R. Daggs, P.E. Lyons, The Western Investment Company and The Arizona Corporation Charter Guarantee Company, do have and recover of and from the appellants herein, their costs in this court taxed at forty-four ($44.00) dollars, ---------- together with their costs in the court below in this cause incurred, taxed at thirteen and 70/100 ($13.70) Dollars, and accruing costs in this court, taxed at two and 65/100 ($2.65) dollars.

Apr. 2, 10

The Territory of Arizona, at the Relation and to the Use of J. N. Gaines, Tax Collector in and for the County of Cochise, in the Territory of Arizona,

Appellant,

No. 1130

vs.

The Copper Queen Consolidated Mining Company, a corporation,

Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the appellee herein, do have and recover of and from the appellant herein, its costs in this cause taxed at

together with its costs in the court below in this cause incurred, taxed at fifty-nine and 15/100. ($59.15) Dollars.

G. U. Ingersoll,

Appellant,

No. 1131

vs.

H. E. Scott,

Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises;

It is ordered, that the judgment of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the appellee herein, do have and recover of and from G. U. Ingersoll, the appellant herein,

and John McSpeese and U.G. Wilder, Curatrix on appeal
bond herein, his costs in this cause, taxed at ten and
25/100 ($10.25) dollars, together with his costs on
the cause herein incurred, taxed at fourteen
and 20/100 ($14.20) Dollars.

Frank Baxter,
Appellant,
No. 1134. vs.
John H. Dorrington,
Appellant.

This cause having heretofore submitted
and by the Court taken under advisement, and the
Court having considered the same and being fully
advised in the premises:

It is ordered that the judgment of the
District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed
that the appellee herein, do have and recover of
and from Frank Baxter, appellant herein, and
Paul Moretti and James L. Lee, curatrix on
appeal bond herein, his costs in this cause, taxed
at twelve and 20/100 ($12.20) dollars,
together with his costs in the court below in the
cause incurred.

Brooklyn Mining & Milling
Company, a corporation,
Appellant,
No. 1135. vs.
Charles C. Miller, Geo. E. Lathrop,
Ada M. Miller, Charles C. Miller Jr. and
and Geo. Miller,
Appellees.

This cause having been heretofore submitted
and by the Court taken under advisement, and the
Court having considered the same and being

Apr. 2, '10

advised in the premises;

It is ordered that the judgment and decree of the lower court be, and the same is hereby, modified to read;"

"It is ordered, adjudged and decreed that plaintiff's action shall stand dismissed, and plaintiff shall take nothing thereby, and that defendants shall have and recover from the plaintiff their costs herein, taxed at $37.35." and as so modified, the judgment of the lower court is affirmed.

It is further ordered, adjudged and decreed that the appellees herein do have and recover of and from the Brooklyn Mining and Milling Company, a corporation, appellant, and the United States Fidelity and Guaranty Company, surety on appeal bond herein, their costs in this court, taxed at forty-one and 75/100 ($41.75) dollars, together with their costs in the court below.

No. 1136

Santa Fe, Prescott and Phoenix Railway Company, a corporation, Appellant,

v.

Grant Brothers Construction Company, a corporation, Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from the Santa Fe, Prescott and Phoenix Railway Company, a corporation, appellant herein, and National Surety Company, a corporation,

surety on Supersedeas Bond herein, the sum of Nine Thousand sixty-one ($9061.) Dollars, with interest thereon at the rate of six per cent. (6%) per annum from the 8th day of May, 1909, until paid, together with its costs in this court, taxed at thirty-nine and 85/100 ($39.85) Dollars, and its costs in the court below in this cause incurred.

No. 1137. United States of America, Appellant, vs. Ying Lee Foo, Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the order appealed from be, and the same is hereby, affirmed.

No. 1139. Jennie Meade, Appellant, vs. A. L. De Mund, Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the appeal be, and the same is hereby, dismissed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from Jennie Meade, appellant herein, and O. E. Carpenter and Earl Moretti, sureties on the supersedeas bond herein, his costs in this court [illegible]

Apr 2, '10 expended, taxed at sixteen and 60/100 ($16.60) dollars.

No. 1140 W. D. Halladay and A. H. Lyon,
Appellants,
vs.
M. D. Hall and Mary Runcaly,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises

It is ordered that the appeal be, and the same is hereby, dismissed.

It is further ordered, adjudged and decreed that the appellees herein, do have and recover of and from W. D. Halladay and A. H. Lyon, appellants herein, their costs in this cont, taxed at twenty-eight and 60/100 ($28.60) dollars.

No. 1141 Margaret Ellen Deal,
Appellant,
vs.
The Territory of Arizona, at the relation and to the use of John D. Williams, as Treasurer and Ex-Officio Tax Collector of said County, Charles H. Morris and Alice Hopkins Morris, wife of said Charles H. Morris,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises;

It is ordered that the appeals be, and the same are hereby, dismissed.

It is further ordered, adjudged and decreed that the appellees herein, do have and recover of and from Margaret Ellen Deal, appellant herein, their costs in this cause, taxed at seventy-five and 30/100 ($75.30) dollars.

C. H. Hicks, as County Treasurer of Cochise County, and G. J. McCabe, J. J. Bowen, Paul J. Scheerer, as Members of and constituting the Board of Supervisors of Cochise County,

Appellants,

No. 1142 vs.

J. C. Krigbaum, and J. M. O'Connell, Intervenor,

Appellees.

This cause having been heretofore submitted, and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, reversed and the cause is remanded with instructions to sustain the demurrers to the complaint and petition in intervention, with leave to amend within such time as the said court may determine

It is further ordered, adjudged and decreed that the appellants herein do have and recover of and from J. C. Krigbaum and J. M. O'Connell appellees herein their costs in this court, taxed at sixty-seven and 90/100 ($67.90) dollars, together with their costs in the court below in this cause incurred.

Apr. 2, '10

No. 1143.

The County of Cochise,
Appellant,
vs.
George B. Wilcox,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, reversed and the cause is remanded to that court with directions to sustain the demurrer.

It is further ordered, adjudged and decreed that the appellant herein do have and recover of and from George B. Wilcox, appellee herein, its costs in this court, taxed at twenty-nine and 95/100 ($29.95) dollars, together with its costs in the court below.

No. 1145.

Atchison, Topeka & Santa Fe Railway Company, a corporation,
Appellant,
vs.
G. H. Coffin and W. C. Bayless, co-partners doing business under the firm name and style of Bayless & Coffin,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, reversed, and the cause is remanded to that court with instructions to sustain the demurrer;

It is further ordered, adjudged and decreed

that the appellant herein do have and recover of and from the appellees herein, its costs in this cause, taxed at two hundred sixteen and 30/100 ($216.30) dollars, together with its costs in the court below in this cause incurred, and accrued costs in this court, taxed at three and 20/100 ($3.20) dollars.

J. W. Sullivan,
Appellant,

No. 1147. vs.

Albert M. Jones,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby amended to show the several cross-complaints of appellant dismissed without prejudice, and as so modified is affirmed.

It is further ordered, adjudged and decreed that the appellant herein do have and recover of and from Albert M. Jones, appellee herein, his costs in this cause, taxed at One Hundred forty-one and 45/100 ($141.45) Dollars, together with his costs in the court below in this cause incurred.

Vernda and Ricketts,
co-partners,
Appellants,

No. 1148. vs.

J. F. Dordy,
Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

Apr. 2, '10

It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from Veranda and Ricoletto, co-partners, appellants herein, and Ed Geiger and A. M. Geer, sureties on appeal bond herein, his costs in this court, taxed at twenty-four ($24.00) dollars, - - - - - - - - - - - - together with his costs in the court below in this cause incurred

Shannon Copper Company, a corporation, Appellant,

No. 1150 vs.

Dell M. Potter, Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellee herein, do have and recover of and from the Shannon Copper Company, appellant herein, and The United States Fidelity and Guaranty Co., surety on Supersedeas Bond herein, the sum of one thousand two hundred and twenty-five ($1,225.) Dollars, with interest thereon from the 22nd day of October, 1909, at the rate of six (6%) per cent. per annum until paid, together with his costs in this court, taxed at twenty-seven ($27.20) Dollars, - - - and his costs in the court below in this cause incurred, and accrued costs in this court, taxed at One and 20/100 ($1.20) Dollars.

No. 1154 ✓

Jung Goon Jow,
Appellant,
vs.
United States of America,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises:

It is ordered that the order appealed from be and the same is hereby, reversed.

No. 1158 ✓

J. T. Toland,
Petitioner,
vs.
Board of Supervisors of Cochise County, Territory of Arizona, composed of S. J. McCabe, J. Scheerer and J. J. Swan,
Respondent.

This cause having been heretofore submitted to the Court upon the demurrer of Respondents to the Application for Writ of Mandamus herein, and by the Court taken under advisement and the Court being now fully advised in the premises:

It is ordered by the Court that the demurrer of Respondent herein be and the same is hereby, overruled, and that an alternative writ of mandamus issue, returnable at the next sitting of this Court, requiring the Respondent to conduct the issuance of the license prayed for at such time as shall then why such should not be given, if other grounds within the discretion of the Board exist for the refusal so to grant such application

Apr. 2, '10

~~In Territory of Arizona, at the relation of~~ Otto H. Schley,
Petitioner,

No. 1160.

vs.

Hon. John H Campbell, Judge of the First Judicial District of the Territory of Arizona in and for the County of Pima, The District Court of the First Judicial District of the Territory of Arizona, in and for the County of Pima, and F.B. Clore and the Hellatia Copper Company, a corporation,

Respondents.

At this day, it is ordered by the Court that the Motion to Overrule, deny and discuss the application of Petitioner for writ of certiorari, filed herein by Respondents, be submitted.

Otto H. H. Schley,
Petitioner,

No. 1160.

-vs-

Hon. John H Campbell, Judge of the First Judicial District of the Territory of Arizona in and for the County of Pima, The District Court of the First Judicial District of the Territory of Arizona in and for the County of Pima, and F.B. Clore and the Hellatia Copper Company, a corporation,

Respondents.

The Motion to overrule, deny and discuss the application of Petitioner for writ of certiorari, filed herein by Respondents, having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same, and being fully advised

in the premises:

It is ordered by the Court that said motion be granted, and the application for writ be, and the same is hereby, denied.

Leander W. Fobes, as Trustee in Bankruptcy of Tawa Development Company, a corporation,
Appellant

No. 1161 vs.

John F. Tomlinson,
Appellee.

At this day, it is ordered by the Court that the motion to affirm the judgment of the lower court, filed herein by Appellee, be submitted.

Leander W. Fobes, as Trustee in Bankruptcy of Tawa Development Company, a corporation,
Appellant,

No. 1162 vs.

W. K. Ridenour,
Appellee.

At this day, it is ordered by the Court that the Motion to Affirm the judgment of the lower court, filed herein by Appellee, be submitted.

Arizona Smelting Company, a corporation, J. Kearney Rice, Trustee in Bankruptcy of Arizona Smelting Company,
Appellants,

No. 1127 vs.

Cecil G. Fennell, et al.,
Appellees.

At this day, it is ordered by the Court that the Motion to Affirm the judgment of the lower court, filed herein by Appellee, be submitted.

Apr. 2, 10 and heretofore submitted, he and the same is hereby denied.

No. 1132. Thompson Walker, et al.,
Appellants,
vs.
Celeste H. Blake, et al.,
Appellees.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by appellants, and heretofore submitted, he, and the same is hereby, denied.

No. 1161. Leander W. Fobes, as Trustee in Bankruptcy of Tava Development Company, a corporation,
Appellant,
vs.
John F. Tomlinson,
Appellee.

The Motion to Affirm the Judgment of the District Court, filed herein by appellee, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that said motion be granted and the judgment of the District Court be, and the same is hereby, affirmed

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from Leander W. Fobes, as Trustee in Bankruptcy of Tava Development Company, a corporation, appellant herein, and The United States Fidelity & Guaranty Co. of Maryland, surety on appeal bond herein, his costs in this court, taxed at twelve and 50/100 ($12.50) dollars, together with his costs in the court below, for the total sum of two hundred and forty-five and 45/100 ($245.45) dollars.

Leander W. Fohes, as Trustee in Bankruptcy of Tawa Development Company, a corporation,

Appellant,

No. 1162. vs.

W. K. Ridenour,

Appellee.

The Motion to Affirm the Judgment of the District Court, filed herein by appellee, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that said motion be granted and the judgment of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from Leander W. Fohes, as Trustee in Bankruptcy of Tawa Development Company, a corporation, appellant herein, and The United States Fidelity & Guaranty Co., of Maryland, surety on appeal bond herein, his costs in this court, taxed at twelve and 50/100 ($12.50) dollars, together with his costs in the court below in this cause incurred, and accruing costs in this court, taxed at two and 95/100 ($2.95) dollars.

On motion of Mr. E. E. Ellinwood, it is ordered that Mr. Rupert Lewis Alderman, who holds a certificate from the District Court of the Second Judicial District of the Territory of Arizona, in and for Cochise County, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Alderman took the required oaths.

Apr. 2, '10

On motion of Mr. Walter Bennett, it is ordered that Mr. Charles B. Wilson, who holds a certificate from the Supreme Court of the State of Illinois, be admitted to practice in this Court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Wilson took the required oaths.

No. 1149

William A. Paine, et al.,
Appellants,
-vs-
Copper Belle Mining Company,
of Arizona, et al.,
Appellees.

At this day, on motion of Mr. Walter Bennett for appellants herein, it is ordered by the Court that the appellants herein be granted until July 15th, 1910, in which to prepare and file their Abstract of Record and Briefs.

It is further ordered that the appellees herein be granted until the 31st day of October, 1910, in which to file their answering Brief, and that the appellants shall have until the 15th day of December, 1910, in which to file a reply Brief, if they desire to file such reply Brief.

It is ordered that this court stand adjourned until Friday, May 20th 1910, at ten o'clock A. M.

Edward Corbett
Chief Justice.

Supreme Court, } January Term, A. D. 1910.
Territory of Arizona. } Phoenix, Arizona. Friday May 20, 1910.

Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M Doan, Associate Justice.
" John H Campbell, " "
" Ernest W. Lewis, " "
" Edward M. Doe, " "
F. A. Gritle Jr., Clerk.
M. H. Calderwood, Crier,
F. J. Duncan, Bailiff.

The following business was transacted.

On motion of Mr. Frank Cox, it is ordered that Mr. Lyman H. Hayes, who holds a certificate from the Supreme Court of the State of Colorado, be admitted to practice in this Court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court, Mr. Hayes took the required oaths.

No. 1122 — Launa Lee Randall, Appellant, vs. P. R. Fox, Appellee.

At this day comes the appellant herein by her attorney J. M. O'Connell, Esq.,

And thereupon the Motion to Retax the Costs of appellee coming on to be heard was argued by attorney for appellant and motion submitted.

May 29/10

No. 1163

Silvester Gould and
S. H. Gould, her husband,
Appellants,

-vs-

C. B. Soto and Anthony Corcoran,
Executors of the Estate of
Altagracia Ochoa, deceased,
Appellees.

At this day this matter coming on to be heard upon the motion of appellees to dismiss, and appellants motion to dismiss motion of appellees, is argued by Mr. Walter Bennett for appellee, and by Mr. A. A. Hawley for appellant, and motions submitted.

No. 272.

William Robertson,
Appellant,

-vs-

Territory of Arizona,
Respondent.

At this day it is ordered by the court that the Motion for Rehearing filed herein by Appellant, be submitted.

No. 276.

Frank Spence,
Appellant,

-vs-

Territory of Arizona,
Respondent.

At this day it is ordered by the court that the Motion for Rehearing filed herein by Appellant, be submitted.

Walter Atkin,
Appellant,
No. 280. vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by Appellant be submitted.

R. D. Wooddell,
Appellant,
No. 284. vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the court that the Motion for Rehearing filed herein by Appellant, be submitted.

Southern Pacific Company,
a corporation,
Appellant,
No. 1106. vs.
Katherine Horgan,
Appellee.

At this day, it is ordered by the court that the Motion for Rehearing filed herein by Appellant, be submitted.

Southern Pacific Company,
a corporation,
Appellant,
No. 1107. vs.
F. H. Richey,
Appellee.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by Appellant be submitted.

May 29, '10 Appellant, he submitted. —

Choctaw Railway Company,
a corporation,
Appellant,

No. 1114. vs.

Lee H. Landis, Administrator,
Appellee.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, he submitted.

Douglas Gray,
Appellant,

No. 1118. vs.

Stuyvesant Bann,
Appellee.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, he submitted.

Frank Luke and John Luke,
Appellants,

No. 1123. vs.

Jesse Hoyt Smith,
Appellee.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellants, he submitted.

W. S. Ferris, et al.,
Appellants,
No. 1124. vs.
Jeppa Ryan, et al.,
Appellees.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by Appellants, be submitted.

W. S. Ferris, et al.,
Appellants,
No. 1124. vs.
Jeppa Ryan, et al.,
Appellees.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by Appellees, be submitted.

T. R. Grandt,
Appellant,
No. 1126. -vs-
M. D. Scribner, et al.,
Appellees.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, be submitted.

P. C. Dagge, as Administrator of the Estate of A. E. Dagge, deceased, et al.,
Appellants,
No. 1129. vs.
Hugh R. Dagge, et al.,
Appellees.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by Appellants, be submitted.

May 20, '10 Appellants, Ls. submitted.

No. 1130.

The Territory of Arizona, at the relation and to the use of J. N. Gaines, Tax Collector, &c,
Appellant,
vs.
Copper Queen Consolidated Mining Company, a corporation,
Appellee.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by Appellant be submitted.

No. 1135.

Brooklyn Mining and Milling Company,
Appellant,
vs.
Charles C. Miller, et al.,
Appellees.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, be submitted.

No. 1136.

Santa Fe, Prescott and Phoenix Railway Company,
Appellant,
-vs-
Grant Brothers Construction Company,
Appellee.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, be submitted.

Mrs. Margaret Ellen Deal,
Appellant,

No. 1141. vs.

The Territory of Augma, at the relation and to the use of John D. Williams, Treasurer etc., et al.,
Appellees.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, be submitted.

The Atchison, Topeka and Santa Fe Railway Company,
Appellant,

No. 1145. vs.

Bayless + Coffin,
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, be submitted.

J. H. Sullivan,
Appellant,

No. 1147. -vs-

Albert M. Jones,
Appellee.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, be submitted.

May 29 '10
No. 1150.

Shannon Copper Company,
Appellant,
vs.
Dell McCotter,
Appellee.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant be submitted.

It is ordered that this Court stand adjourned until tomorrow, May 21st, 1910, at 10 o'clock A.M.

Edward Kent
Chief Justice.

Supreme Court,
Territory of Arizona. } January Term, A.D. 1910.

Phoenix, Arizona, Tuesday May 21, 1910

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" John H. Campbell, " "
" Ernest W. Lewis, " "
" Edward M. Doe, " "
F. A. Gritle Jr., Clerk
M. H. Calderwood, Crier
F. J. Duncan, Bailiff.

The following business was transacted:

William Robertson,
Appellant,
vs.
No. 272. Territory of Arizona,
Respondent.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant and heretofore submitted, be and the same is hereby denied.

Frank Spence,
Appellant,
vs.
No. 276. Territory of Arizona,
Respondent.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant and heretofore submitted, be, and the same is hereby denied.

Walter Atkin,
Appellant,
vs.
No. 280. Territory of Arizona,
Respondent.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant and heretofore submitted, be, and the same is hereby denied.

R. D. Hoddell,
Appellant,
vs.
No. 284. Territory of Arizona,
Respondent.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant and heretofore submitted, be, and the same is hereby, denied.

Southern Pacific Company,
a corporation,
Appellant,
vs.
No. 1106. Katherine Horgan,
Appellee.

At this day [illegible]

May 21, '10 And the Motion for Rehearing filed herein by Appellant, and heretofore submitted, he, and the same is hereby, denied

Southern Pacific Company,
a corporation,
Appellant,

No. 1107 vs.

F. H. Richey,
Appellee.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, and heretofore submitted he, and the same is hereby, granted, and the cause set for hearing November 10th, 1910.

Phoenix Railway Company,
a corporation,
Appellant,

No. 1114 vs.

Lee H. Landis, Administrator,
Appellee.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, and heretofore submitted, he, and the same is hereby, granted, and the cause set for hearing November 10th, 1910.

Douglas Gray,
Appellant,

No. 1118 vs.

Augusta Gann,
Appellee.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, and heretofore submitted, he, and the same is hereby

denied.

No. 1123. Frank Luke and John Luke, Appellants,
vs.
Jesse Boyle Smith, Appellee.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellants, and heretofore submitted, be, and the same is hereby, denied.

No. 1124. W. S. Ferris and W. H. McKittrick, Appellants,
vs.
Joseph Ryan, et al., Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellants, and heretofore submitted, be, and the same is hereby, granted, and the cause set for hearing November 10th, 1910.

No. 1124. W. S. Ferris and W. H. McKittrick, Appellants,
vs.
Joseph Ryan, et al., Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellees, and heretofore submitted, be, and the same is hereby, granted, and the cause set for hearing November 10th, 1910.

May 2, '10

No. 1126. F. R. Grandt,
Appellant,
vs.
M. D. Scribner, et al.,
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, and heretofore submitted, be, and the same is hereby, denied.

No. 1129. P. C. Daggs, Administrator etc., et al.,
Appellants,
vs.
Hugh R. Daggs, et al.,
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant and heretofore submitted, be, and the same is hereby, denied.

No. 1130. The Territory of Arizona, at the relation and to the use of J. N. Gaines, Tax Collector, etc.,
Appellant,
vs.
Copper Queen Consolidated Mining Company,
Appellee.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, and heretofore submitted, be, and the same is hereby, denied.

Brooklyn Mining and Milling Company,
Appellant,

No. 1135 v.

vs.

Charles C. Miller, et al.,
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, and heretofore submitted, be, and the same is hereby, denied.

Santa Fe, Prescott & Phoenix Railway Company,
Appellant,

No. 1136 v.

vs.

Grant Brothers Construction Company,
Appellee.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, and heretofore submitted, be, and the same is hereby, denied.

Mrs. Margaret Ellen Deal,
Appellant,

No. 1141 v.

vs.

The Territory of Arizona, at the relation and to the use of John D. Williams, Guardian, etc., et al,
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, and heretofore submitted, be, and the same is hereby, continued until the November, 1910 session.

1132

May 21, '10

No. 1145 — The Atchison, Topeka & Santa Fe Railway Company, Appellant, vs. Bayless & Coffin, Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellees, and heretofore submitted, be, and the same is hereby, denied.

No. 1147 — J. W. Sullivan, Appellant, vs. Albert M. Jones, Appellee.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, and heretofore submitted, be, and the same is hereby, denied.

No. 1150 — Shannon Copper Company, Appellant, vs. Dell McCarter, Appellee.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by Appellant, and heretofore submitted, be, and the same is hereby, denied.

Gila Valley Globe & Northern Railway Company,
Appellant,
vs.
No. 1110. John Hall.
Appellee.

In this cause it is ordered by the Court that reargument be had and cause set for hearing November 10th 1910.

Silvester Gould and S. H. Gould, her husband,
Appellants,
vs.
No. 1163. P. G. Sotomayor and Anthony Cowan, Executors of the Estate of Altagracia Ochoa, deceased,
Appellees.

The Motion to Dismiss the Appeal, filed herein by Appellees, having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that said motion be granted and the appeal, or appeals herein be, and the same is hereby dismissed.

It is further ordered, adjudged and decreed that the Appellees recover of and from Silvester Gould and S. H. Gould, appellants herein, ~~and H. O. Corbett and H. F. Whitney~~ ~~sureties on appeal bond herein~~, their costs in this court in this cause expended, taxed at eight and 75/100 ($8.75) dollars.

May 21. '10

No. 1122.

Laura Lee Randall,
Appellant,
vs.
C. R. Fox,
Appellee.

At this day it is ordered by the Court that the Motion to Retax the Costs filed herein by Appellant, and heretofore submitted, be and the same is hereby granted, and that the item of fifty-two and 50/100 ($52.50) dollars, be stricken from said cost bill, and that the item of twenty-five ($25.00) dollars for brief of twenty pages be reduced to twenty ($20.00) dollars, the maximum amount allowed for briefs, and costs retaxed in the sum of thirty-one and 50/100 ($31.50) dollars

No. 1135

Brooklyn Mining and Milling Company,
Appellant,
vs.
Charles C. Moller, et al.,
Appellees.

At this day comes Mr. Jno. J. Hawkins for appellant herein, in open Court, and gives notice of appeal to the Supreme Court of the United States, from the judgment of this Court, and

Upon motion of Mr. Jno. J. Hawkins, it is ordered that the notice of appeal be entered, the appeal be, and the same is hereby, allowed, and the amount of the cost bond be fixed in the sum of One Thousand ($1000.) Dollars.

William Robertson,
Appellant,
No. 272. vs.
Territory of Arizona,
Respondent.

At this day, on motion of Mr. Jos. H. Kibbey for appellant, it is ordered by the Court that the Mandate in this cause be stayed for sixty days.

Frank Locke and John Locke,
Appellants,
No. 1123. vs.
Jesse Hoyt Smith,
Appellee.

At this day comes Mr. Jos. H. Kibbey for appellants herein, in open court and gives notice of appeal to the Supreme Court of the United States from the judgment of this court, and

Upon motion of Mr. Jos. H. Kibbey, it is ordered that the appeal be, and the same is hereby allowed, and the amount of the Supersedeas Bond be fixed in the sum of Ten Thousand ($10,000.) Dollars, and the appeal bond fixed in the sum of One Thousand ($1,000.) Dollars.

O. O. Dagger, Administrator, of the estate of O. E. Dagger, deceased, et al.,
Appellants,
No. 1129. vs.
Hugh O. Dagger, et al.,
Appellees.

At this day comes Mr. J. G. Woolard for appellants and herein, in open court, and gives notice of appeal to the Supreme Court of the United States from the judgment of this court, and

Upon motion of Mr. J. G. Woolard, it is ordered that the motion [illegible]

May 21-10 the appeal be, and the same is hereby allowed, and the amount of the cost bond be fixed in the sum of One Thousand ($1,000.) Dollars.

Santa Fe, Prescott & Phoenix Railway Company,
Appellant,
vs.
No. 1136 Grant Brothers Construction Company,
Appellee.

At this day, on motion of Mr. Paul Burks for Appellant herein, it is ordered by the Court that the Mandate in this cause be stayed for sixty days.

William H. Cook, as Sheriff of the County of Maricopa, Territory of Arizona, et al.,
Appellants,
vs.
No. 1156 Mary E. Purcell, as Administratrix of the Estate of D. M. Purcell, deceased,
Appellee.

At this day comes Mr. Thos. J. Prescott, attorney for appellants herein, and moves the court for leave to amend the Appeal Bond herein,

Whereupon, the Court ordered that said motion be taken under advisement.

R. D. Wooddell,
Appellant,
vs.
No. 284. Territory of Arizona,
Respondent.

At this day, on motion of Mr. A. A. Hawley for appellant herein, it is ordered by the Court that the Mandate in this cause be stayed for thirty days.

Gila Valley Globe & Northern
Railway Company,
Appellant,
vs.
No. 1110. John Hall,
Appellee.

On motion of Mr. S. L. Patten for appellant herein, it is ordered that he be granted leave to file additional briefs in this cause.

Southern Pacific Company,
a corporation,
Appellant,
vs.
No. 1107. F. K. Richey,
Appellee.

At this day, on motion of Mr. Francis McFarland for appellant herein, it is ordered that he be granted permission to file additional briefs.

On motion of Mr. J. H. Crawford, it is ordered that Mr. Frank F. Regester, who holds a certificate from the Supreme Court of the State of Arizona, be admitted to practice as an attorney at law in the courts of this Territory.

May 21, '10 Whereupon, in open court, Mr. Reynolds took the required oath.

William H. Cook, as Sheriff of the County of Maricopa, Territory of Arizona, et al.,
Appellants,
No. 1156 vs.
Mary E. Purcman, as Administratrix of the Estate of D. M. Purcman, deceased,
Appellee.

At this day it is ordered by the Court that the Motion to Amend the Appeal Bond, filed herein by Appellants and heretofore submitted, be, and the same is hereby, denied.

It is ordered that this Court stand adjourned until Wednesday, November 9th, 1910 at 10 o'clock A.M.

Edward Kent
Chief Justice.

In the Supreme Court of the Territory of Arizona.

In the Matter of the Appointment of James L. G. Watters as United States Court Commissioner.

Application having been made to me, as Chief Justice of the Supreme Court of the Territory of Arizona, exercising Federal jurisdiction in such Territory, by James L. G. Watters for his appointment as United States Court Commissioner at Duncan, Arizona; and it appearing that the appointment of a United States Court Commissioner at that place is desirable for the transaction of the public business, and that

there is no local land office within thirty (30) miles of Duncan, Arizona, nor any other United States Court Commissioner who resides within thirty (30) miles of said place; it is therefore

Ordered, that James L. F. Watters be, and he hereby is, appointed United States Court Commissioner at Duncan, Arizona; such appointment to take effect upon his qualifying according to law.

Dated, Phoenix, Arizona, June 7, 1910.

Edward Kent
Chief Justice, Supreme Court
of the Territory of Arizona.

Oath of Office of James L. F. Watters.

United States of America,
Territory of Arizona.

I, James L. F. Watters, do solemnly swear that I will support and defend the Constitution of the United States of America against all enemies, foreign and domestic; that I will true faith and allegiance bear to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office of United States Court Commissioner at Duncan, Arizona, for the Fifth Judicial District of Arizona, on which I am about to enter. So Help Me God.

James L. F. Watters.

Subscribed and sworn to before
me this 11th day of June, 1910.

W. M. Watson,
Notary Public.

(Seal)
My Commission expires August 16, 1913.

Supreme Court, Territory of Arizona. } January Term, A. D. 1910.
Phoenix, Arizona Wednesday. Nov. 9. 1910.
Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" John H. Campbell, " "
" Ernest W. Lewis " "
" Edward M. Doe, " "
F. A. Gritle Jr., Clerk.
M. H. Calderwood Crier
F. J. Duncan, Bailiff.

The following business was transacted.

No. 243. In the Matter of the Application of Eduardo Ramirez for a Writ of Habeas Corpus.

The Mandate of the Supreme Court of the United States having been received and filed in this cause, it is hereby ordered and adjudged in accordance with said Mandate, that the decree of this Court made and entered on the 25th day of May, A. D. 1907, be and the same is hereby reversed with costs; and that the said Arturo M. Elias recover against the said Eduardo Ramirez One Thousand Seven Hundred and fifty dollars and twenty-five cents ($1750.25) for his costs expended in the Supreme Court of the United States and have execution therefor.

It is further ordered, adjudged and decreed that the said Arturo M. Elias do have and recover of and from Eduardo Ramirez his costs in this court in this cause incurred, taxed at

No. 917.

M J. Nugent,
Appellant,
vs.
John Stoffela,
Appellee.

This cause having been heretofore brought into this court by appeal from the judgement of the District Court of the First Judicial District of the Territory of Arizona, in and for the County of Yuma, and on the hearing thereof in this court, this court having by its judgement rendered on the 30th day of March, 1906, reversed the judgement of said District court in so far as it imposed conditions precedent to the relief granted the plaintiff, M J. Nugent.

And the defendant, John Stoffela, having thereafter duly removed said cause into the Supreme Court of the United States for the review of the judgement of our Supreme Court.

And the said Supreme Court of the United States having on the 16th day of May, 1910, as appears to us by the mandate of said court on file herein, ordered and adjudged that the decree of our said Supreme Court in said cause be, and the same was thereby reversed with costs and that said John Stoffela recover from Mary J. Nugent, executrix of M J. Nugent, deceased, Two Hundred Fifty-four Dollars and fifty cents ($254.50) for his costs herein expended, and further ordered and decreed that this cause be remanded to our said Supreme Court with directions to enter a judgement affirming the judgement of the said District Court of the First Judicial District of the Territory of Arizona, in and for the County of Yuma.

Now Therefore, in compliance with the said mandate of the said Supreme Court of the United States in the matter, it is now Ordered, Adjudged and Decreed that the said judgement of the District Court of the First Judicial District of the Territory of Arizona, in and for the County of Yuma, in the matter of, and the same is hereby in all things affirmed and that the said John Stoffela recover of said [illegible]

Nov. 9. '10 ecutrix of M.J. Nugent in due course of the administration of the Estate of M.J. Nugent, deceased, and from A. Modetti and L.H. Alexander, executors on the appeal bond of said M.J. Nugent, to this court, his costs of this court taxed at One Hundred fifty-two and 60/100 ($152.60) dollars, together with his costs in the court below in this cause incurred.

On motion of Mr. S.G. Noon, it is ordered that Mr. Frank J. Barry, who holds a certificate from the Supreme Court of the State of Illinois, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Barry took the required oaths.

On motion of Mr. Geo. D. Christy, it is ordered that Mr. William McSeveny, who holds a certificate from the Supreme Court of the State of New York, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Seveny took the required oaths.

On motion of Mr. L.H. Chalmers, it is ordered that Mr. Herbert H. Morris, who holds a certificate from the Supreme Court of the State of Texas, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Morris took the required oaths.

On motion of Mr. W. O. Cleary, it is ordered that Mr. E. J. Flanigan, who holds a certificate from the District Court of the Second Judicial District of the Territory of Arizona, in and for the County of Cochise, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Flanigan took the required oaths.

On motion of Mr. J. L. B. Alexander, it is ordered that Mrs. Mary Alice Wurfpeckman, who holds a certificate from the District Court of the Third Judicial District of the Territory of Arizona, in and for the County of Maricopa, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mrs Wurfpeckman took the required oaths.

On motion of Mr. J. L. B. Alexander, it is ordered that Mr. J. D. Marshall, who holds a certificate from the Supreme Court of the State of Pennsylvania, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Marshall took the required oathes.

On motion of Mr. J. L. B. Alexander, it is ordered that Mr. Bertram L. Hitch, who holds a certificate from the Supreme Court of the State of Ohio, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Hitch took the required oaths.

Nov. 9. '10.

On motion of Mr. J. L. B. Alexander, it is ordered that Mr. E. E. Hall, who holds a certificate from the Supreme Court of the State of Louisiana, be admitted to practice in this court upon taking the oaths prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Hall took the required oaths.

Report of the Board of Examiners
for admission to the Bar,
November Term, 1910.

To the Supreme Court of the Territory of Arizona:

The Board of Examiners for admission to the Bar respectfully present the following report of the examination conducted by them at Phoenix, Arizona, on November 4th and 5th, 1910, and attach herewith as a part of this report the list of questions propounded to applicants, and a tabulated statement showing the subjects, the percentage secured by each applicant upon all the subjects in which questions were propounded. In explanation of the system of marking shown upon the tabulated statement herewith attached, the Committee states that there was a total of 100 questions propounded; that the value of each question was "one", and that the standard of perfection in each subject corresponds with the total number of questions propounded in each subject.

As a result of this examination, and based upon the tabulated statement above referred to, we respectfully recommend that the following named persons who have presented to this Committee satisfactory evidence of their right to take this examination, and who have answered correctly more than 70 per cent of the questions propounded by the Board, be admitted at this Term of Court to practice at the Bar of the Supreme Court of the Territory of Arizona:

F. C. Hendricks,
Forrest L. Hancock,

H.G. Richardson,
H. D. Moore,
Frederic A. Shaffer,
J. H. Morgan,
R. S. Fisher,
J. C. Sexton
Alexander B. Baker,
H. M. Burke,
Clarence H. Jordan,
S. D. Stewart,
Ross H. Blakely,
F. C. Struckmeyer.

Dated this 9th day of November, 1910.

Respectfully submitted,
Walter Bennett,
George J. Stoneman.

The report of the Board of Examiners being accepted, the Court ordered that F. C. Hendricks, Forrest L. Haworth, H. G. Richardson, H. D Moore, Frederic A. Shaffer, J. H. Morgan, R. S. Fisher, J. C. Sexton, Alexander B. Baker, H. M. Burke, Clarence H. Jordan, S. D. Stewart, Ross H. Blakely, and F. C. Struckmeyer, be admitted to practice in this court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon in open court all of the above named took the required oath.

No. 1169.

Belle J. Barnes,
Appellant,
vs.
F. C. Shattuck, et al., Defendants,
Mary E. Steel, Executrix, and
T. L. B. Alexander, Intervenor,
Appellees.

At this day, on motion of Mr. O. L. B. Alexander [illegible]

Nov. 9. '10 Thirty days additional time within which to file Brief.

Gila Valley, Globe & Northern Railway Co., a corporation, Appellant,

No. 1110. vs.

John Hall, Appellee.

At this day comes Mr. A. C. Baker, attorney for appellee herein, and moves that the re-argument in this cause be set for Friday, November 11th instead of November 10th 1910.

It is ordered that this Court stand adjourned until to-morrow, November 10th, 1910, at 10 o'clock A. M.

Edward Kent
Chief Justice.

Supreme Court, Territory of Arizona. } January Term, A. D. 1910
Phoenix, Arizona. Thursday Nov. 10, 1910.
Court opened at 10. o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" John H. Campbell, " "
" Ernest W. Lewis, " "
" Edward Moore, " "
F. A. Fritts Jr., Clerk,
M. H. Calderwood, Crier,
F. J. Duncan, Bailiff.

The following business was transacted -

Mrs. Margaret Ellen Deal,
Appellant,

No. 1141. ✓ vs.

The Territory of Arizona at the relation and to the use of John D. Williams, Treasurer, etc., et al.,
Appellees.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by appellant, and heretofore submitted, be, and the same is hereby, denied.

It is further ordered that the application of appellant to set aside appellees' costs in this court heretofore allowed be, and the same is hereby denied.

D. A. Tyler,
Appellant,

No. 1166. ✓ vs.

J. A. Nisset and F. O. Andreas,
Appellees.

At this day it is ordered by the Court that the Motion to Dismiss filed herein by Appellees, be submitted.

City of Bisbee, a municipal corporation,
Appellant,

No. 1167. ✓ vs.

John A. Brazil, et al.,
Appellees.

At this day it is ordered by the Court that the Motion to Dismiss filed herein by Appellees, be submitted.

Nov. 10-'10

No. 1156.

William H. Cook, et al.,
Appellants
-vs-
Mary E. Purcman, as Administratrix of the Estate of D. M. Purcman, deceased,
Appellee.

At this day, it is ordered by the Court that the Motion to Dismiss the Appeal filed herein by Appellee, be submitted.

No. 1170.

William Wilson,
Plaintiff in Error
-vs-
The Mount Antelope Gold Mining Company, a corporation,
Defendant in Error.

At this day it is ordered by the Court that the Motion to Quash the Writ of Error and dismiss the cause filed herein by Defendant in Error, be submitted.

No. 1166.

D. A. Tyler,
Appellant,
-vs-
J. A. Nisert and F. C. Andrews,
Appellees.

The Motion to Dismiss the Appeal filed herein by appellees, having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises, and the court [illegible] the dismissal of the appeal filed herein by appellant having also been considered:

It is ordered that said motion to dismiss the appeal be granted, and the appeal be, and the same is hereby, dismissed

It is further ordered, adjudged and decreed that the appellees herein do have and recover of and from S.A. Tyler, appellant herein, their costs in this court, taxed at twelve and 50/100 ($12.50) dollars.

City of Bisbee, a municipal corporation,
Appellant,
vs.
No. 1167 / John A. Brazil and J. Belle Brazil,
Appellees.

The Motion to Dismiss the Appeal filed herein by appellees, having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises:

It is ordered that said motion be granted and the appeal herein be, and the same is hereby, dismissed.

It is further ordered, adjudged and decreed that the appellees herein do have and recover of and from the City of Bisbee a municipal corporation, and United States Fidelity and Guaranty Company, a corporation, surety on appeal bond herein, appellant herein, their costs in this court, taxed at One hundred fifty-two and 10/100 ($152.10) dollars.

Costs taxed in the amount $53.10 see page 265

P.C. Dagget, Adams, and
J.F. Dagget, Adams,
Appellants,
vs.
No. 1129 / Hugh P. Dagget, et al.,
Appellees.

At this day, it is ordered by the Court that appellants' motion [illegible]

Nov. 10, '10 filed herein by appellee, &c, and the same is hereby sustained, and continued in the sum of thirty ($30.00) dollars.

William H. Cook as Sheriff of the County of Maricopa, Territory of Arizona and The United States Fidelity and Guaranty Company, a corporation,

Appellants,

No. 1156 vs.

Mary E. Ourman, as Administratrix of the Estate of D. M. Ourman, deceased,

Appellee.

The motion to Dismiss the Appeal filed herein by appellee, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that said motion be granted and the appeal be, and the same is hereby, dismissed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from William H. Cook, as Sheriff of the County of Maricopa, Territory of Arizona, and The United States Fidelity and Guaranty Company, a corporation, appellants herein, her costs in this court taxed at

On motion of Mr. Frank Cox, it is ordered that Mr. S. H. Tenney, who holds a certificate from the Supreme Court of the State of Texas, be admitted to practice in the Federal Courts of Arizona pro hac

prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court, Mr. Feikey took the required oath.

On motion of Mr. George J. Stoneman, it is ordered that Mr. Edward Walter Rice, who holds a certificate from the Supreme Court of the State of California, be admitted to practice in this court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court, Mr. Rice took the required oath.

Southern Pacific Company, a corporation,
Appellant,
vs.
No. 1107. F. H. Richey,
Appellee.

At this day, on motion of Mr. Frank Cox attorney for appellant herein, it is ordered that he be granted leave to withdraw the motion for Rehearing heretofore filed herein by appellant.

It is further ordered that the order heretofore made and entered on the 21st day of May, 1910, granting a rehearing in this cause, be and the same is hereby set aside and vacated.

Gila Valley, Globe & Northern Railway Company, a corporation,
Appellant,
vs.
No. 1110. John Hall,
Appellee.

[illegible]

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Nov. 10, '10 the motion heretofore made by Mr. A. C. Baker for a continuance of the argument until Nov. 11th, 1910, was, Mr. Ives consenting, granted

Phoenix Railway Company
a corporation,
Appellant,
vs.
No. 1114. Lee H. Landis, Administrator
of the Estate of George W.
Sanders, deceased,
Appellee.

At this day on motion of Mr. L. H. Chalmers, attorney for appellant herein, it is ordered that he be granted a few days time within which to file a reply brief to appellee's brief on rehearing.

Phoenix Railway Company,
a corporation,
Appellant,
vs.
No. 1114. Lee H. Landis, Administrator
of the Estate of George W.
Sanders, deceased,
Appellee.

This cause coming on at this time for rehearing was argued by Mr. L. H. Chalmers for appellant and Mr. J. M. Ross for appellee, and cause ordered submitted.

W. S. Ives and H. H. McKitrick,
Appellants,
vs.
No. 1124. Jesse Ryan, et al.,
Appellees.

Error to Graham County. Writ of Error to [illegible]

hearing was argued by Mr. E.S. Fred for appellees, and argument continued until to-morrow morning.

William Wilson,
Plaintiff in Error,
vs.
No. 1170. ✓
Mount Antelope Gold Mining Company,
Defendant in Error.

Comes now Mr. George H. Glowacki, attorney for Plaintiff in Error herein, and moves that he be given twenty days within which to file reply brief on motion to Quash writ whereupon, the Court denied said motion.

William Wilson,
Plaintiff in Error,
vs.
No. 1170 ✓
Mount Antelope Gold Mining Company,
Defendant in Error.

At this day on motion of Mr. George H. Glowacki, attorney for Plaintiff in Error herein, it is ordered that he be granted leave to file a Motion for an Order of Diminution of the record in this cause

It is ordered that this Court stand adjourned until to-morrow, November 11th 1910, at 10 o'clock A.M.

Thomas Kent
Chief Justice.

Nov. 11- '10 Supreme Court, } January Term, A. D. 1910.
Territory of Arizona } Phoenix, Original. Friday, Nov. 11, 1910
Court opened at 10 o'clock A. M.
Present, Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" John H. Campbell, " "
" Ernest W. Lewis " "
" Edward M. Doe, " "
F. A. Fritts Jr., Clerk.
M. H. Caldwood, Crier.
T. J. Duncan, Bailiff.

The following business was transacted -

William Wilson,
Plaintiff in Error,
vs.
No. 1170. Mount Antelope Gold & Mining Company,
Defendant in Error.

At this day it is ordered by the Court that the Motion for an Order of Diminution of the record, filed herein by Plaintiff in Error, be submitted.

Gila Valley, Globe & Northern Railway Company, a corporation,
Appellant,
vs.
No. 1110. John Hall,
Appellee.

This cause having been continued from yesterday, and coming on now for hearing was argued by Mr. A. C. Baker for the appellee, and Mr. E. S. Ives for appellant, and cause ordered submitted.

W. S. Ferris and W. H. McKittrick,
Appellants,
vs.
No. 1124 ✓
Jeff. Ryan, et al.,
Appellees.

This cause having been continued from yesterday, and coming on now for hearing, Mr. E. D. Fries concluded his argument for appellees, Mr. Ben Goodrich argued for appellants, and cause ordered submitted.

W. S. Ferris and W. H. McKittrick,
Appellants,
vs.
No. 1124 ✓
Jeff. Ryan, et al.,
Appellees.

At this day on motion of Mr. E. D. Fries, attorney for appellees herein, it is ordered that he be granted fifteen days within which to file additional brief, and

On motion of Mr. Ben Goodrich, attorney for appellants herein, it is ordered that he be granted fifteen days thereafter within which to file an additional brief.

William Wilson,
Plaintiff in Error,
No. 1170 ✓
vs.
Mound Antelope Gold Mining
Company, a corporation,
Defendant in Error.

The Motion to quash the Writ of Error herein and dismiss the cause, filed herein by the Defendant in Error, having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises,

It is ordered that said motion be and the same is hereby overruled, the Writ of Error granted, and the cause be

Feb. 11-'10 It is further ordered, adjudged and decreed that the Defendant in Error herein do have and recover of and from William Wilson, Plaintiff in Error herein, its costs in this cause, taxed at twenty-one and 75/100 ($21.75) dollars.

The Territory of Stigma, ex rel
John B. Wright, Attorney General,
Plaintiff,

No. 1174. vs.

The Board of Supervisors of
Graham County, Stigma, and
George Webster, et al., constituting
the members of said Board,
Respondent.

At this day the Petition for Alternative Writ of Mandamus filed herein by Plaintiff coming on for hearing, it is ordered that said Petition be granted and the Writ issue returnable Monday, January 9th, 1911.

Order attaching Greenlee County to Fifth Judicial District, and fixing time and place for holding court.

The County of Greenlee having been created by virtue of an Act of the legislature of the Territory and organized, it is hereby

Ordered that the County of Greenlee be attached to the Fifth Judicial District and it is further

Ordered that the place for holding the District Court in the County of Greenlee shall be the Town of Clifton, and the times for holding the said District Court in said County shall be the third Mondays of March and the

third Monday of October in each year.

Dated November 11th, 1910.

Edward Kent C.J.
Fletcher M. Doan, A.J.
John H. Campbell, A.J.
E. H. Lewis, A.J.
Edward M. Doe, A.J.

It is ordered that this Court stand adjourned sine die.

Edward Kent
Chief Justice.

In the Supreme Court of the Territory of Arizona.

Belle J. Barnes,
Appellant,
-vs-
L. C. Shattuck, et al., Defendants,
Mary E. Street, Executrix, and
J. L. B. Alexander, Intervenor,
Appellees.

No. 1169.

Application having been made by Eugene S. Ives, Esq., Attorney for Appellant in the above entitled cause for an extension of time within which to file a reply brief to the brief heretofore filed by Appellee, it is by the Court

Ordered that the time within which said reply brief may be filed be and the same is hereby extended to and including the 7th day of January, 1911.

Done in Chambers this 28th day of December, 1910.

Edward Kent
Chief Justice.

Jan. 9- '11. Supreme Court, } Regular January Term, A.D. 1911.
Territory of Arizona. } Phoenix, Arizona, Monday Jan'y 9- 1911.
Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" John H. Campbell, " "
" Ernest W. Lewis " "
F. A. Tuttle Jr., Clerk.
M. H. Calderwood, Crier.
F. J. Duncan, Bailiff.

The following business was transacted.

No. 1141. Mrs. Margaret Ellen Deal,
Appellant,
vs.
The Territory of Arizona, at the relation and to the use of John D. Williams, as Treasurer and Ex-Officio Tax Collector of said County et al.,
Appellees.

At this day it is ordered by the Court that the Motion to Retax Costs, filed herein by appellant, be submitted.

No. 1156. William H. Cook as Sheriff of the County of Maricopa, Territory of Arizona, et al.,
Appellants,
vs.
Mary E. Dunman, as Administratrix of the Estate of D. M. Dunman, deceased,
Appellee.

At this day it is ordered by the Court that the Motion for Rehearing, filed herein by appellant, be submitted.

No. 1157.

George A. Cleary,
Appellant,
vs.
H. W. Bishop,
Appellee.

At this day it is ordered by the Court that the Motion to Dismiss Appeal, filed herein by appellee, be submitted.

No. 1167.

City of Bisbee, a municipal corporation,
Appellant,
vs.
John R. Bagail, et al.,
Appellees.

At this day it is ordered by the Court that the Stipulation in regard to costs, filed herein by appellees, be submitted.

No. 1172.

Miami Copper Company,
Appellant,
vs.
Catherine McLaren, Administratrix of the Estate of Charles E. Laren, deceased,
Appellee.

At this day it is ordered by the Court that the Motion to Dismiss Appeal filed herein by appellant, be submitted.

No. 1182.

Little Butte Consolidated Mines Company, a corporation,
Appellant,
vs.
James B. Girard,
Appellee.

At this day it is ordered by the Court that the Motion to Dismiss Appeal filed herein by appellee, be submitted.

Jan. 7-'11 H. C. Vincent,
Appellant,
No. 1183 vs.
Allen Smith,
Appellee.

At this day it is ordered by the Court that the Motion to Affirm the Judgment of the lower court filed herein by appellee, be submitted.

H. C. Vincent,
Appellant,
No. 1183 vs.
Allen Smith,
Appellee.

At this day it is ordered by the Court that the Motion to Strike Reporter's Transcript and Portions of Abstract of Record, filed herein by appellee, be submitted.

Henry Krueger,
Appellant,
No. 1185 vs.
The Iron Butte Railroad Company, a corporation,
Appellee.

At this day it is ordered by the Court that the Motion to Affirm Judgment of the lower court, filed herein by appellee, be submitted.

In the Matter of the Application of
No. 2981 Henry Gradman
for a Writ of Habeas Corpus.

At this day, on motion of Mr. H. C. Clemm, attorney for Petitioner herein, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for January 10. 1911

On motion of Mr. Robt. E. Morrison, it is ordered that Mr. John Boyle, who holds a certificate from the Supreme Court of the State of Missouri, be admitted to practice in this court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Boyle took the required oath.

Report of the Board of Examiners
for Admission to the Bar.
January Term, 1911.

To the Supreme Court of the Territory of Arizona:

The Board of Examiners for Admission to the Bar respectfully present the following report of the examination conducted by them at Phoenix, Arizona, on January 6th and 7th, 1911, and attach herewith as a part of this report the list of questions propounded to applicants and a tabulated statement showing the subjects, the percentage secured by each applicant in each subject, and the total percentage secured by each applicant upon all the subjects in which questions were propounded. In explanation of the system of marking shown upon the tabulated statement herewith attached, the Committee states that there were a total of 100 questions propounded; that the value of each question was "one", and that the standard of perfection in each subject corresponds with the total number of questions propounded in each subject.

As a result of this examination, and based upon the tabulated statement above referred to, we respectfully recommend that the following named persons who have presented to this Committee satisfactory evidence of their right to take this examination, and who have answered correctly more than 70 per cent. of the questions propounded by the Board, be admitted at this Term of Court to practice at the Bar of the Supreme Court of the Territory of Arizona:-

Jesse E. Conner

Jan. 9

Hugo O. Lindsey,
Thos. O. Walton
Dated this 9th day of January, 1911.
Respectfully submitted.
Walter Bennett,
George J. Steuernan.

The report of the Board of Examiners being accepted, the Court ordered that Jeri E. Crosby, Hugo O. Lindsey and Thos. O. Walton be admitted to practice in this Court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon in open court Mr. Crosby, Mr. Lindsey and Mr. Walton, took the required oath.

No. 1172

Miami Copper Company,
Appellant,
vs.
Catherine McLaren, Administratrix of the estate of Charles E. Laren, deceased,
Appellee.

The Motion to Dismiss the appeal filed herein by Appellant, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises: It is ordered that said Motion be granted and the appeal be, and the same is hereby, dismissed at the cost of Appellant.

Vaccati Quiroz,
Appellant,
vs.
No. 299. ✓
Territory of Arizona,
Respondent.

At this day, on motion of Mr. C. O. Castaneda, it is ordered by the Court that appellant be granted until Monday, January 12th, 1911 within which to file brief.

It is further ordered that the Attorney General be granted ten days thereafter within which to file brief on behalf of respondent.

The Territory of Arizona, ex rel
John D. Wright, Attorney General,
Plaintiff,
vs.
No. 1174. ✓
The Board of Supervisors of
Graham County, Arizona, and
George Nutall, et al., members
of said Board,
Respondents.

At this day, on motion of Mr. Walter Bennett, it is ordered by the Court that Respondent be granted until Monday, January 16, 1911, within which to make return to Writ of Mandamus.

Clerk ordered that this court stand adjourned until tomorrow morning, January 10th 1911, at 10 o'clock.

Chief Justice.

Jan. 10-'11 Supreme Court, Territory of Arizona } January Term, A.D. 1911.
Phoenix, Arizona. Tuesday, Janry 10, 1911.
Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" John H. Campbell, Associate Justice.
" Ernest W. Lewis, " "
" Edward M. Doe, " "
F. A. Tuttle Jr., Clerk,
M. McCandlewood, Crier,
T. J. Duncan, Bailiff.

The following business was transacted.

Richmond Mercantile Company, et al.,
Appellants,
vs.
No. 1187 Edith M. Setterdahl, et al.,
Appellees.

At this day it is ordered by the Court that the Motion to Affirm the Judgment of the lower court, filed herein by appellees, be submitted.

Little Butte Consolidated Mines Company, a corporation,
Appellant,
vs.
No. 1182 James B. Girand,
Appellee.

At this day, it is ordered by the Court that the Motion to Dismiss the Appeal herein, without prejudice, and to permit the Appellant to withdraw the Record and the Abstract thereof from the files in this Court, filed by Appellant, be submitted.

George N. Olney,
Appellant,
No. 1157. vs.
H. W. Bishop,
Appellee.

At this day, it is ordered by the Court that the Motion to Dismiss the Appeal, filed herein by appellee and heretofore submitted, be and the same is hereby denied.

City of Biehn, a municipal corporation,
Appellant,
No. 1167. vs.
John R. Brazil, and J. Belle Brazil,
Appellees.

A stipulation in regard to item in the Statement of Costs of appellee reading "amount paid for Reporter's Transcript, two trials, $100.00", having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that said item be disallowed and appellee's costs retaxed in the sum of fifty-two and 10/100 ($52.10) dollars, and accrued costs in this court taxed at two and 25/100 ($2.25) dollars.

Miami Copper Company,
Appellant,
No. 1172. vs.
Catherine McLaren Administratrix of the Estate of Charles E. Larsen, deceased,
Appellee.

See page 262. Order entered January 9th 1911 dismissing appeal.

Jan. 10-'11

No. 1183

H. C. Vincent,
Appellant,
vs.
Allen Smith,
Appellee.

At this day, on motion of Mr. Reece McLing, attorney for appellant herein, it is ordered by the Court that he be granted until January 11th 1911, within which to file reply to appellee's motion heretofore filed.

No. 1185

Henry Kroger,
Appellant,
vs.
The Twin Butte Railroad Company, a corporation,
Appellee.

At this day, it is ordered by the Court that the Motion to Affirm the judgment of the lower court filed herein by appellee and heretofore submitted, be and the same is hereby denied.

No. 1187

Richmond Mercantile Company, E. B. Moore and Wallace Dunbar,
Appellants,
vs.
Edith M. Setterdahl and Victor E. Setterdahl,
Appellees.

The Motion to Affirm the Judgment of the District Court filed herein by appellees having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises;

It is ordered that said motion be granted and the judgment of the District Court be, and the same is hereby affirmed

It is further ordered, adjudged and decreed that the appellees herein do have and recover of and from Richmond Mercantile Company, E.B. Moore and Wallace Dunbar, appellants herein, their costs in this cause, taxed at thirteen and 95/100 ($13.95) dollars, together with their costs in the court below in this cause incurred.

John H. Crenshaw, Administrator with the Will annexed of the Estate of James T. Simms, deceased,
Plaintiff in Error,
vs.
No. 1144. F. E. Sanford,
Defendant in Error.

At this day, on motion of Jos. H. Kirkley, Esq., it is ordered that this cause be continued.

Mrs. Margaret Ellen Deal,
Appellant,
vs.
No. 1141. The Territory of Oregon, at the Relation and to the use of John D. Williams, as Treasurer and Ex-Officio Tax Collector of said County, et al.,
Appellees.

At this day, it is ordered by the Court that the Motion to Retax the costs, filed herein by appellant and heretofore submitted, be, and the same is hereby granted to the extent of striking out twelve and 95/100 ($12.95) dollars, and costs retaxed in the sum of sixty-two and 35/100 ($62.35) dollars, and accordingly costs in this court, taxed at

Jan. 10, '11

No. 1156.

William H. Clark, as Sheriff of the County of Maricopa, Territory of Arizona, et al.,

Appellants,

vs.

Mary E. Cunnan, as Administratrix of the Estate of D. McCunnan, deceased,

Appellee.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by appellants and heretofore submitted, be, and the same is hereby denied.

No. 1182.

Little Bittle Consolidated Mines Company, a corporation,

Appellant,

vs.

James B. Girard,

Appellee.

The Motion to Dismiss the Appeal without prejudice and to permit the appellant to withdraw the Record and the Abstract thereof from the files in this court, filed herein by appellant, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that said Motion be granted and the appeal herein be, and the same is hereby dismissed without prejudice, and the appellant granted permission to withdraw the record and the abstract thereof from the files in this court.

On motion of Mr. Frederick S. Nave, it is ordered that Mr. W. A. Hanman, who holds a certificate from the Supreme Court of the State of Washington, be admitted to practice in this court pro hac vice for the purpose of this case only.

Laws of 1907.

Whereupon, in open court, Mr. Hinman took the required oath.

On motion of Mr. J. C. Phillips, it is ordered that Mr. J. D. Shanhart, who holds a certificate from the Supreme Court of the State of Illinois, be admitted to practice in this court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court, Mr. Shanhart took the required oath.

No. 291 ✓ George L. Hamilton, Appellant, vs. Territory of Utah, Respondent.

At this day, it is ordered by the Court that this cause be submitted on briefs.

No. 298 ✓ In the Matter of the Application of Henry Amadieu for a Writ of Habeas Corpus.

At this day, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for today.

No. 1149 ✓ William A. Paine, et al, Co-partners doing business under the name and style of Paine, Webber & Company, Appellant, vs. Copper Belle Mining Company [illegible], James S. Fiske, Intervenor, et al, Respondent.

Jan. 10, 11 attorney for appellants herein, It is ordered by the Court that ten hours be granted for oral argument in this cause, and the hearing set for January 11th, 1911.

No. 1151

Ivan Horfeld,
Plaintiff in Error,
vs.
The Detroit Copper Mining Company
of Arizona, a corporation,
Defendant in Error.

At this day, on motion of Mr. Frank H. Hereford, for Plaintiff in Error herein, it is ordered by the Court that ten hours be granted for oral argument in this cause, and the hearing set for January 12, 1911.

No. 1165

B. Friedman,
Appellant,
vs.
Lizzie B. Murphey, et al.,
Appellees

At this day, on motion of Mr. Frank H. Hereford it is ordered by the Court that appellant herein be granted until January 13, 1911, within which to file reply brief.

It is further ordered that this cause be submitted on briefs.

No. 1173

Grant Brothers Construction
Company, a corporation,
Appellant,
vs.
The United States of America,
Appellee.

At this day, it is ordered by the Court that appellant and appellee herein, each be granted one civil one-half hours for oral argument in this cause.

and the hearing set for January 17, 1911.

L. J. Donduiant, Special Administrator
of the Estate of Clifford E. Yeaman,
deceased,
Appellant,

No. 1179. vs.

The Tucson Gas, Electric Light and
Power Company, a corporation,
Appellee.

At this day, it is ordered by the Court that this cause be submitted on briefs.

Henry Berger,
Appellant,

No. 1185. vs.

The Twin Buttes Railroad
Company, a corporation,
Appellee.

At this day, on motion of Mr. Frank H. Heyford for appellee, it is ordered by the Court that appellant and appellee herein, each be granted one-half hour for oral argument in this cause, and the hearing set for January 12, 1911

John Doe,
Appellant,

No. 287. vs.

Territory of Arizona,
Respondent.

At this day it is ordered by the Court that this cause be submitted.

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Jan. 10, '11

No. 293.

Walter Sharp,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that this cause be submitted on briefs.

No. 294.

Frank Baird,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that this cause be submitted on briefs.

No. 297.

D. A. Williams,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, on motion of Mr. John G. Wright, attorney for Respondent herein, it is ordered by the Court that he be granted ten days within which to file reply brief.

It is further ordered that oral argument be granted in this cause, and the hearing set for January 16, 1911.

No. 293.

Walter Sharp,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, on motion of Mr. John G. Wright, attorney for Respondent herein, it is ordered by the

Court that he be granted two days within which to file reply brief.

Belle J. Barnes,
Appellant,
vs.
No. 1169. L. C. Shattuck, et al., Defendants,
Mary E. Stut, Executrix and
J. L. E. Alexander, Intervenor,
Appellees.

At this day, on motion of Mr. S. L. Catlin for appellant, it is ordered by the Court that appellant and appellees herein, each be granted one-half hour for oral argument in this cause and the hearing set for January 13, 1911.

Etta L. Sanford, et al.,
Appellants,
vs.
No. 1171. Santiago Pinera, Administrator with Will annexed of the Estate of Frank Ely, deceased,
Appellee.

At this day, on motion of Mr. Owen T. Rouse, attorney for appellants herein, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for January 16th, 1911.

N. E. Hewett,
Appellant,
vs.
No. 1180. F. H. Larkin Receiver of the First National Bank of Bisbee, Arizona,
Appellee.

At this day, it is ordered by the Court that this cause be submitted on briefs.

Jan. 10, '11

No. 1181.

Madison F. Larkin,
Appellant,
-vs-
W. C. Hogan, et al.,
Appellees.

At this day, on motion of Mr. H. H. Stilwell, attorney for Appellant herein, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for January 10, 1911.

No. 1159.

The Arizona Power Company,
a corporation,
Appellant,
vs.
J. A. Kellam,
Appellee.

At this day, it is ordered by the Court that this cause be submitted on briefs.

No. 1164.

Arizona Power Company,
Appellant,
vs.
Racine-Sattley Company,
Appellee.

At this day, it is ordered by the Court that this cause be submitted on briefs.

No. 1177.

James M. Miller, et al.,
Plaintiffs in Error,
vs.
Robert Brancroft, et al.,
Defendants in Error.

At this day, on motion of E. S. Clark Esq., attorney for Plaintiffs in Error herein, it is ordered by the Court that this cause be, and the same is hereby, dismissed.

Edward Zieger,
Appellant,
No. 1178. vs.
J. F. Dowdy, et al,
Appellees.

At this day, on motion of F. H. Norris, Esq. attorney for appellant herein, it is ordered by the Court that he be granted five days within which to file reply brief.

It is further ordered that this cause be submitted on briefs.

H. C. Vincent,
Appellant,
No. 1183. vs.
Allen Smith,
Appellee.

At this day, it is ordered by the Court that this cause be submitted on briefs subject to motion.

James H. Smith, as Sheriff of Yavapai County, Arizona, et al,
Appellants,
No. 1186. vs.
H. McPoland,
Appellee.

At this day, it is ordered by the Court that this cause be submitted, subject to any motion made to day.

Juan Rodriguez,
Appellant,
No. 292. vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that this cause be submitted.

Jan. 10, '11.

No. 295 ✓

Elias S. Kimball and
Richard A. Shifflett,
Appellants,
vs.
Territory of Arizona,
Respondent.

At this day, on motion of Frederick S. Nave, Esq., attorney for appellants herein, it is ordered by the Court that oral argument in this cause be granted for and the hearing set for January 13, 1911.

No. 296 ✓

Michael Levy,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that this cause be submitted on briefs.

No. 115 ✓

George W. Olney,
Appellant,
vs.
H. H. Bishop,
Appellee.

At this day, it is ordered by the Court that this cause be submitted on briefs.

No. 1174.

The Territory of Arizona, ex rel.
John B. Wright, Attorney General,
Plaintiff,
-vs-
The Board of Supervisors of Graham
County, Arizona, and George Webster
et al., members of said Board,
Defendants.

At this day, on motion of Jos. H. Kibbey Esq., attorney for defendants herein, it is ordered by the Court that he be granted until January 16, 1911, within which to make return to Writ of Mandamus.

No. 1184.

Hans Herlick,
Petitioner,
-vs-
Leo M Hoyle, et al., as and
comprising the Board of Super-
visors of the County of Maricopa,
Territory of Arizona, et al.,
Respondents.

At this day, on motion of Eugene S. Ives, Esq., attorney for Petitioner herein, it is ordered by the Court that Petitioner and Respondents herein, each be granted one hour for oral argument in this cause, and the hearing set for January 14, 1911.

No. 1188.

C. V. Meeden,
Petitioner,
-vs-
The Board of Supervisors of Yuma
County, Arizona, et al.,
Respondents.

At this day, on motion of S. L. Patten, Esq., for Respondents herein, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for January 16th, 1911.

Jan 10-11

No. 289.

Edward Fondren,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, on motion of Alfred Franklin Esq., for appellant herein, it is ordered by the Court that this cause be continued for the term.

No. 290.

Frank Shindelbower,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, on motion of J. H. Langston Esq., attorney for appellant herein, it is ordered by the Court that this cause be, and the same is hereby, dismissed.

No. 1168.

Anna M McCord,
Appellant,
vs.
Mary Emma McCord,
Appellee.

At this day, on motion of Geo. P. Bullard, Esq., attorney for appellant herein, it is ordered by the Court that appellant and appellee herein, each be granted one-half hour for oral argument in this cause, and the hearing set for January 11, 1911.

No. 1175.

R. A. Ritter,
Appellant,
vs.
The Board of Medical Examiners of Arizona,
Appellee.

At this day, on motion of C. F. Ainsworth Esq.,

attorney for appellant herein, it is ordered by the Court that appellant and appellee herein, each be granted one half hour for oral argument in this cause, and the hearing set for January 11, 1911.

The Bank of Fiona, a corporation,
Appellant,
vs.
No. 1176. The Thomas Haverty Company,
a corporation,
Appellee.

At this day, on motion of Jos. H. Kibbey, Esq. attorney for appellant herein, it is ordered by the Court that oral argument be granted in this cause, and the hearing set for January 12, 1911.

In the Matter of the Application of
No. 298. Henry Bonadinna
for a Writ of Habeas Corpus.

At this day, on motion of John B. Wright, Esq., attorney for Respondent herein, it is ordered by the Court that John S. Williams, Esq. be entered of counsel for Respondent.

In the Matter of the Application of
No. 298. Henry Bonadinna
for a Writ of Habeas Corpus.

This cause coming on at this time for hearing was argued by Wm B Clary Esq. for Petitioner and John S. Williams Esq. for Respondent, and cause ordered submitted.

Jan. 10, '11

No. 1181.

Madison F. Larkin,
Appellant,
vs.
H. C. Hagan, et al.,
Appellees.

This cause coming on at this time for hearing was argued by H. H. Stilwell Esq., for appellant and O. Gibson, Esq., for appellees, and cause ordered submitted.

No. 1181

Madison F Larkin
Appellant,
vs.
H. C. Hagan, et al.,
Appellees.

At this day in motion of O. Gibson, Esq. attorney for appellees herein, it is ordered by the Court that he be granted ten days within which to file brief.

No. 287.

John Doe,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the appeal herein be, and the same is hereby, dismissed.

It is ordered that this Court stand adjourned until tomorrow, January 11th, 1911, at ten o'clock A. M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A. D. 1911.
Territory of Arizona. } Phoenix, Arizona. Wednesday January 11, 1911.

Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M Doan, Associate Justice.
" John H Campbell, " "
" Ernest W. Lewis " "
" Edward M Doe, " "
F. A. Tuttle Jr., Clerk
M H Calderwood, Crier
F. J. Duncan, Bailiff.

The following business was transacted.

No. 292. } Juan Rodriguez
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the cause and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, reversed, and the defendant ordered discharged from custody.

No. 298. } In the Matter of the Application of
Henry Bonadinna
for a Writ of Habeas Corpus.

A petition for a writ of habeas corpus having been heretofore filed in this cause by Henry Bonadinna, alleging that he is unlawfully imprisoned and restrained of his liberty, by John F. White, the Sheriff of Cochise County, Arizona, in the county jail of said County, at Tombstone, in the Territory of Arizona, and said matter having been heretofore argued and submitted, and by the Court taken under advisement, and

Jan. 11- '11 the Court having considered the same and being fully advised in the premises:

It is ordered that the petitioner, the said Henry Smadrina, be discharged from the custody of the said John F. White, Sheriff of Cochise County, Arizona.

No. 1116. ✓

John Gandolfo, et al.,
Petitioners,
vs.
The Board of Supervisors of Yuma County, Arizona, and John K. Shanssey, et al., Members of the Board of Supervisors of Yuma County,
Respondents.

The petition for writ of mandamus filed herein having been heretofore submitted and granted, and a peremptory writ of mandamus having heretofore issued and the return thereto filed in this court,

It is now ordered by the court that the proceeding be, and the same is hereby, dismissed.

No. 1168. ✓

Anna M. McCord,
Appellant,
vs.
Mary Emma McCord,
Appellee.

This cause coming on at this time for hearing, now, upon motion of Thos. Stockton, Jr., it is ordered by the Court that the cause be submitted on briefs.

On motion of Thos. Stockton Jr., attorney for appellee herein, it is ordered that he be granted leave to file additional authority by January 13, 1911

R. A. Aiton,

Appellant,

No. 1175. ✓ vs.

The Board of Medical Examiners of Arizona,

Appellee.

This cause coming on at this time for hearing, on motion of C. F. Ainsworth, it is ordered by the Court that the cause be submitted on briefs

William A. Paine, et al., co-partners doing business under the name and style of Paine, Hebber & Company,

Appellants,

No. 1149. ✓ vs.

Copper Belle Mining Company of Arizona, Defendant,
James B. Riley, Intervenor,

Appellees.

At this day, on motion of Walter Bennett Esq., attorney for appellants herein, it is ordered by the Court that he be granted permission to make correction in abstract of record.

William A. Paine, et al., co-partners doing business under the name and style of Paine, Hebber & Company,

Appellants,

No. 1149. ✓ vs.

Copper Belle Mining Company of Arizona, Defendant,
James B. Riley, Intervenor,

Appellees.

This cause coming on at this time for hearing was argued by Walter Bennett Esq., for appellants and John C. Wright, Esq., for appellees, and cause submitted.

It is ordered that this court stand adjourned until tomorrow, January 12th, 1911, at ten o'clock A. M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A. D. 1911.
Territory of Arizona. } Prescott, Arizona. Thursday Jan. 12, 1911.

Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" John H. Campbell, " "
" Ernest W. Lewis, " "
" Edward M. Doe, " "
F. A. Tuttle Jr., Clerk,
M. H. Calderwood, Crier,
F. J. Duncan, Bailiff.

The following business was transacted.

No. 1151.

Ivan Horfeld,
Plaintiff in Error,
vs.
The Detroit Copper Mining Company,
of Arizona, a corporation,
Defendant in Error.

This cause coming on at this time for hearing was argued by Frank Cooley, Esq. for Plaintiff in Error and J. H. Rorr Esq. for Defendant in Error and cause ordered submitted.

Ivan Horfeld,
Plaintiff in Error,
-vs-
No. 1151. ✓
The Detroit Copper Mining Company,
of Arizona, a corporation,
Defendant in Error.

At this day, on motion of J. M. Ross, Esq., attorney for Defendant in Error, herein, it is ordered by the Court that he be granted until Monday, January 16, 1911, within which to file reply to Reply Brief of Plaintiff in Error.

On motion of Jos. H. Kibbey, Esq., it is ordered that Charles B. Ward, Esq., who holds a certificate from the Supreme Court of the State of Colorado, be admitted to practice in this court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Ward took the required oath.

Henry Borger,
Appellant,
-vs-
No 1185 ✓
The Twin Butte Railroad
Company, a corporation,
Appellee.

This cause coming on at this time for hearing was argued by A. A. Worley, Esq., for appellant and Frank E. Curley, Esq., for appellee, and cause submitted.

Jan. 12-'11
No. 1176.

The Bank of Arizona, a corporation,
Appellant,
vs.
The Thomas Hardy Company,
a corporation,
Appellee.

This cause coming on for hearing was argued by Jos. H. Kibbey Esq., for appellant, and Alfred Franklin Esq., for appellee, and cause ordered submitted.

It is ordered that this Court stand adjourned until tomorrow, January 13th 1911, at ten o'clock A. M.

Edward Kent
Chief Justice.

Supreme Court,
Territory of Arizona. } January Term, A. D. 1911.
Phoenix, Arizona. Friday, Jan. 13, 1911
Court opened at 10 o'clock, A M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M Doan, Associate Justice.
" John H Campbell, " "
" Ernest W. Lewis, " "
" Edward M. Doe, " "
F. A. Tritle Jr., Clerk.
M H Calderwood, Crier.
T. J. Duncan, Bailiff.

The following business was transacted.

C. V. Meeden,
Petitioner,
No. 1188. vs.
The Board of Supervisors of Yuma County et al.,
Respondents.

At this day it is ordered by the Court that

Alexander v Christy be entered of record as counsel for Petitioner herein.

It is further ordered, upon consent of counsel, that the Demurrer filed herein by Respondents, may be withdrawn.

C. V. Mouden,

Petitioner,

No. 1188 v. vs.

The Board of Supervisors of Yuma County, et al.,

Respondents.

This cause coming on at this time for hearing was argued by J. D. B. Alexander, Esq., for Petitioner, and Eugene S. Ives, Esq., for Respondent, and cause ordered submitted.

H. C. Vincent,

Appellant,

No. 1183. vs.

Allen Smith,

Appellee.

At this day, it is ordered by the Court that the motion to affirm the Judgment of the lower Court, filed herein by appellee, and heretofore submitted, be, and the same is hereby, denied.

H. C. Vincent,

Appellant,

No. 1183. vs.

Allen Smith,

Appellee.

At this day, it is ordered by the Court that the motion to Strike Reporter's Transcript and Portions of Abstract of Record, from the files, filed herein by appellee, and heretofore submitted, be, and the same is hereby, granted.

Jan. 13-11

No. 1169.

Belle J. Daniel,
Appellant,
vs.
L. C. Shattuck, et al., Defendants,
Mary E. Strut, Executrix, and
J. L. B. Alexander, Intervenor,
Appellees.

This cause coming on at this time for hearing was argued by Eugene S. Ives Esq., for appellant, and Wm M. Seabury, Esq., for appellees, and cause ordered submitted.

No. 295.

Elias S. Kimball, et al.,
Appellants,
vs.
Territory of Arizona,
Respondents.

At this day, on motion of Attorney General, it is ordered by the Court that the hearing of this cause be continued until tomorrow, January 14, 1911.

It is ordered that this court stand adjourned until tomorrow, January 14th, 1911, at ten o'clock A. M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A. D. 1911
Territory of Arizona. } Phoenix, Arizona. Saturday January 14, 1911.

Court Opened at 10 o'clock A M

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M Doan, Associate Justice
" John H Campbell, " "
" Ernest W. Lewis, " "
" Edward M Doe, " "
F. A. Gittle Jr., Clerk,
M H Calderwood, Crier,
F. J. Duncan, Bailiff.

The following business was transacted -

Gila Valley, Globe & Northern Railway Company, a corporation,
Appellant,
vs.
No. 1110. ✓
John Hall,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the district court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from the Gila Valley, Globe and Northern Railway Company a corporation, appellant herein, and M.O. Freeman and H.B. Tenney, of the city of Tucson, Arizona, sureties on Supersedeas Bond herein, the sum of five thousand ($5,000.00) dollars, and costs in the district court taxed and allowed at the sum of two hundred thirty and 20/100 ($230.20) dollars, together with his costs in this court, taxed at twenty-eight and 50/100 ($28.50) dollars.

Jan. 14-'11

Hans Herlick,

Petitioner

No. 1184-A

vs.

Leo M Hoyhe, John O Orme and W. K Bowen, ad and composing the Board of Supervisors of the County of Maricopa, Territory of Arizona, et al.,

Respondents.

At this day, on motion of Geo. P. Bullard, Esq. it is ordered by the Court that Frederick S. Nave, Esq. be entered of record of counsel for Respondents.

Hans Herlick,

Petitioner,

No. 1184-A

vs.

Leo M Hoyhe, et al., as and comprising the Board of Supervisors of the County of Maricopa, Territory of Arizona, et al.,

Respondents.

At this day on motion of attorney for Petitioner herein, attorney for Respondents consenting, it is ordered by the Court that the Petition for a Peremptory Writ of Mandate filed herein, be considered as a Petition originally filed as of this day for the purposes and reasons set forth in said Petition.

It is further ordered, on motion of Wm. M. Seabury, Esq., for Petitioner, Respondents consenting and waiving all necessity of notice that the hearing of said Petition be set for to-day.

On motion of Geo. P. Bullard, Esq., it is ordered that the Demurrer and Answer of Respondents filed herein be considered the Demurrer and Answer filed to the original application for a peremptory writ heretofore considered and filed as of this day.

Hans Herlick,

Petitioner,

No. 1184. vs.

Les McHughe, et al., as and comprising the Board of Supervisors of the County of Maricopa, Territory of Arizona, et al.,

Respondents.

On motion of Wm. M. Seabury, Esq., attorney for Petitioner herein, it is ordered by the Court that the hearing of this cause be continued until after the argument in case No. 295.

C. V. Meeker,

Petitioner

No. 1188. vs.

The Board of Supervisors of Yuma County, Arizona, William E. Hanson, John H. Shanssey, and Amos H. Kent, members of said Board of Supervisors, and P. J. Miller Clerk of said Board of Supervisors of Yuma County, Arizona,

Respondents.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the Petition for peremptory writ of mandamus be granted, and the writ issue as prayed for.

It is further ordered, adjudged and decreed that the Petitioner herein do have and recover of and from the Respondents herein, his costs in this action incurred, taxed at

Jan. 14-'11

On motion of J. E. Nelson, Esq., it is ordered that Stephen C. Glover Esq., who holds a certificate from the Supreme Court of the State of California, be admitted to practice in this court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Glover took the required oath.

Elias D. Kimball and
Richard A. Shipp,
Appellants,

No. 295 vs.

Territory of Arizona,
Respondent.

At this day, on motion of John B. Wright, Esq., attorney for Respondent herein, it is ordered by the court that he be granted ten days within which to file brief.

On motion of Frederick S. Nave, Esq., attorney for Appellants herein, it is ordered that he be granted permission to insert citation in brief of Appellants.

Elias D. Kimball, and
Richard A. Shipp,
Appellants,

No. 295 vs.

Territory of Arizona,
Respondent.

This cause coming on at this time for hearing was argued by Frederick S. Nave Esq., for Appellants and John B. Wright, Esq., for Respondent, and cause ordered submitted.

Hans Herlick,

Petitioner,

No. 1184. vs.

Leo M. Hoyle, et al., as and composing the Board of Supervisors of the County of Maricopa, Territory of Arizona, et al.,

Respondents.

This cause coming on at this time for hearing was argued by Eugene S. Ives, Esq., and Wm. M. Seabury, Esq., for Petitioner, and Geo. P. Bullard, Esq., and Frederick S. Hare, Esq. for Respondents, and cause ordered submitted.

It is ordered that this Court stand adjourned until Monday, January 16th 1911, at ten o'clock A. M.

Edward Kent
Chief Justice.

Supreme Court, Territory of Arizona. } January Term, A. D. 1911
Phoenix, Arizona. Monday, Jany 16, 1911

Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" John H. Campbell, " "
" Ernest W. Lewis, " "
" Edward M. Doe, " "
F. A. Gritle, Jr., Clerk.
M. H. Caldwood, Crier
F. J. Duncan, Bailiff.

The following business was transacted.

Jan. 16, '11

Phoenix Railway Company,
a corporation,
Appellant,

No. 1114.

vs.

Lee H. Landis, Administrator
of the estate of George H. Sandee,
deceased,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the lower court be, and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from the Phoenix Railway Company, a corporation, appellant herein, and The United States Fidelity and Guaranty Company, a corporation, surety on Supersedeas Bond herein, the sum of Five Thousand ($5,000.00) Dollars, together with his costs in this court, taxed at forty-two ($42.00) dollars, ---------- and his costs in the court below in this cause incurred.

The Atchison, Topeka and Santa Fe
Railway Company, a corporation,
Appellant,

No. 1189.

vs.

James R. Moberly,
Appellee.

At this day, on motion of Paul Burks, Esq., attorney for appellant herein, it is ordered by the Court that this cause be placed on the calendar.

No. 1174.

The Territory of Arizona, et rel
John D. Wright, Attorney General,
Plaintiff,
vs.
The Board of Supervisors of Graham
County, Arizona, and George Webster,
et al., constituting the members of
said Board,
Defendants.

At this day comes John D. Wright, Esq. for Plaintiff herein, and moves the Court that a Commissioner be appointed to take testimony in this cause - whereupon the Court took said motion under advisement -

No. 1171.

Etta L. Sanford, et al.,
Appellants,
vs.
Santiago Pinxa, Administrator
with Will annexed of the Estate
of Frank Ely, deceased,
Appellee.

This cause coming on at this time for hearing, was argued by Owen T. Rose, Esq. for appellants, and Selim M. Franklin, Esq. for appellee, and cause ordered submitted.

No. 297.

D. & R. Williams,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause coming on at this time for hearing was argued by J. E. Morrison, Esq. for appellant, and cause ordered submitted.

Jan. 16, '11

No. 1189.

The Atchison, Topeka and Santa Fe Railway Company, a corporation,
Appellant,
vs.
James R. Mobley,
Appellee.

At this day, on motion of Carl Burke Esq. attorney for appellant herein, it is ordered by the Court that appellant and appellee each be granted one hour for oral argument in this cause and the hearing set for the first day of the next session of this court.

No. 1186.

James H. Smith, as Sheriff of Yavapai County, Arizona, et al.,
Appellants,
vs.
H. M. Poland,
Appellee.

At this day, it is ordered by the Court that the Motion to Strike Abstract of Record from the files, filed herein by appellee, be submitted.

No. 1186.

James H. Smith, as Sheriff of Yavapai County, Arizona, et al.,
Appellants,
vs.
H. M. Poland,
Appellee.

At this day, it is ordered by the Court that the Motion to Dismiss the Appeal, filed herein by appellee be submitted.

It is ordered that this Court stand adjourned until tomorrow, January 17, 1911, at ten o'clock A.M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A.D. 1911.
Territory of Arizona. } Phoenix, Arizona. Tuesday, Jan'y 17, 1911.

Court opened at 10 o'clock, A.M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" Ernest W. Lewis, " "
" Edward M. Doe, " "
F. A. Fritle Jr., Clerk,
M. H. Calderwood, Crier,
T. J. Duncan, Bailiff.

The following business was transacted:

James H. Smith as Sheriff of Yavapai County, Arizona, and M.C. Fitzmaurice,
Appellants,
vs.
No. 1186 ✓ H. M. Boland,
Appellee.

The Motion to Dismiss the Appeal, filed herein by appellee having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises;

It is ordered that said motion be granted and the appeal herein be and the same is hereby dismissed.

✓ It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from James H. Smith as Sheriff of

Jan. 17. 11 Arizona, and M.C. Fitzmaurice, appellees to have
his costs in this cause incurred, taxed
at sixteen ($16.00) dollars.

Montezuma Canal Company,
Appellant,

No. 978. vs.

Smithville Canal Company,
et al.,
Appellees.

This cause having been heretofore brought into this court by appeal from the judgment of the District Court of the second {third fifth} judicial district of the Territory of Arizona, in and for the County of Graham, and on the hearing thereof in this court, this court by its judgment rendered on the 22nd day of March, 1907 having affirmed the judgment of said District Court.

And the appellant Montezuma Canal Company having thereafter duly removed said cause into the Supreme Court of the United States for the review of the said judgment of our said Supreme Court.

And the said Supreme Court of the United States having on the 28th day of November, 1910, as appears to us by the mandate of said court on file herein, ordered and decreed that the judgment of our said Supreme Court in said cause be, and the same was thereby reversed with costs and that said appellant Montezuma Canal Company recover against the appellees Two Hundred Twenty-nine Dollars and Sixty-five cents ($229.65) for its costs in said Supreme Court of the United States expended and have execution therefor, and having further ordered that this cause be remanded to our said Supreme Court for further proceedings not inconsistent with the opinion of said Supreme Court of the United States.

Now, Therefore, and in accordance with said mandate, it is now ordered, adjudged and decreed that this cause be, and it hereby is, remanded to the District Court of the Fifth Judicial District of the Territory of Arizona, in and for the County of Graham, and that said District Court is hereby directed to enter a decree in this cause in accordance with the opinion of the Supreme Court of the United States set forth in its mandate aforesaid.

It is further ordered, adjudged and decreed that the appellant herein, the Montezuma Canal Company, do have and recover of and from the appellees its costs and disbursements in this court expended, fixed and allowed at the sum of six hundred thirty-seven and 10/100 ($637.10) dollars, as well as said costs of the Supreme Court of the United States.

The Territory of Arizona, ex rel John D. Wright, Attorney General, Plaintiff,

vs.

No. 1174

The Board of Supervisors of Graham County, Arizona, and George Webster et al. constituting the members of said Board, Defendants.

The motion of Plaintiff herein that a Commissioner be appointed to take testimony in this case having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that said motion be granted, and Hon. M. Delany, Esq. is hereby appointed a Commissioner to take testimony and make findings of fact.

Jan. 17. '11

No. 1184.

Hans Herlick,

Petitioner,

vs.

Lee M. Hughes, John C. Orme and H. K. Brown, as and Comprising the Board of Supervisors of the County of Maricopa, Territory of Arizona, and Carl Hayden, as Sheriff of said Maricopa County, Arizona,

Respondents.

This cause having heretofore, submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the application for a peremptory writ of mandamus be, and the same is hereby, denied.

No. 1114.

Phoenix Railway Company, a corporation,

Appellant,

vs.

Lee H. Landis, Administrator of the Estate of George H. Sanders, Deceased,

Appellee.

At this day comes L. H. Chalmers Esq., attorney for appellant herein, and gives notice in open Court of his intention to apply for a Writ of Error from the Supreme Court of the United States from the judgment rendered against them in this Cause, and

Upon motion of L. H. Chalmers Esq., it is ordered that the amount of the Supersedeas Bond be fixed in the sum of Eleven Thousand ($11,000.00) Dollars, and the Mandate stayed for thirty days.

Grand Brothers Construction Company, a corporation,
Appellant,
No. 1173. vs.
United States of America,
Appellee.

At this day, on motion of S.C. Baker Esq. attorney for appellant herein, it is ordered by the Court that he be granted leave to make additions to brief.

Grand Brothers Construction Company, a corporation,
Appellant,
No. 1173. vs.
United States of America,
Appellee.

At this day, on motion of J.C. Dorkweiler, Esq., attorney for appellant herein, it is ordered by the Court that he be granted fifteen days within which to file reply brief.

Grand Brothers Construction Company, a corporation,
Appellant,
No. 1173. vs.
United States of American,
Appellee.

This cause coming on at this time for hearing was argued by S.C. Baker, Esq., and J.C. Dorkweiler, Esq., for appellant and J.E. Mahoney, Esq., for appellee, and cause ordered submitted.

It is ordered that this Court stand adjourned until Wednesday, March 22, 1911, at 10 o'clock A.M.

In the Supreme Court of the Territory of Arizona.

Madison F. Larkin,
Appellant,
v.
H. C. Hagan, et al.,
Appellees.

No. 1181

Application having been made by O. Gibson, Esq., Attorney for Appellee in the above entitled cause for a further extension of time within which to file brief of Appellee, it is by me

Ordered that the time within which said brief may be filed, be and the same is hereby extended to and including the 30th day of January, 1911.

Done in Chambers this 18th day of January, 1911.

(Signed) Edward Kent,
Chief Justice.

In the Supreme Court of the Territory of Arizona.

Gaird Brothers Construction Company, a corporation,
Appellant,
-v-
The United States of America,
Appellee.

No. 1173

Application having been made by A. C. Baker, Esq., one of the attorneys for the Appellant in the above entitled cause for a further extension of time within which to file a reply brief, it is by me

Ordered that the time within which said reply brief may be filed is hereby extended to and including the eleventh day of February, 1911.

Done in Chambers this 25th day of January, 1911.

(Signed) Edward Kent,
Chief Justice.

In the Supreme Court of the Territory of Arizona.

The Atchison, Topeka and Santa Fe Railway Company, a corporation, Appellant,

No. 1189. vs.

James R. Mobley, Appellee.

Application having been made by attorney for appellant in the above entitled cause for an extension of time within which to file a reply brief to the brief heretofore filed by appellee, it is by me

Ordered that the time within which said reply brief may be filed be and the same is hereby extended to and including the 22nd day of March, 1911.

Done in Chambers this 21st day of March, 1911.

(Signed) Edward Kent,
Chief Justice.

Supreme Court, } January Term, A. D. 1911.
Territory of Arizona. } Phoenix, Arizona, Wednesday Mar. 22, 1911.

Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" John H. Campbell, " "
" Ernest W. Lewis, " "
" Edward M. Doe, " "
F. A. Gritle Jr., Clerk.
M. H. Calderwood, Crier.
F. J. Duncan, Bailiff.

The following business was transacted.

Mar. 22-11

Gila Valley, Globe & Northern Railway Company, a corporation,

Appellant,

No. 1110 ✓

vs.

John Hall,

Appellee.

At this day it is ordered by the court that the Motion for Rehearing filed herein by Appellant, be submitted.

Sierra de Oro Gold Mining & Milling Company, Limited, of Arizona, a corporation,

Appellant,

No. 1195 ✓

vs.

The Becker-Franz Company a corporation,

Appellee.

At this day it is ordered by the court that the Motion to Affirm the judgment of the lower court filed herein by appellee be submitted

Territory of Arizona, ex rel John S. Wright, Attorney General,

Plaintiff,

No. 1174 ✓

vs.

The Board of Supervisors of Graham County, Arizona, and George Webster, et al, members of said Board,

Defendants.

Comes now Joseph H. Kibbey Esq., for defendants herein, and moves that each side be allowed two hours time for oral argument in this cause,

Whereupon the Court ordered that said matter be passed until Friday March 24, 1911.

The Atchison, Topeka & Santa Fe Railway Company, a corporation,
Appellant,

No. 1189 ✓ vs.

James R. Mokely,
Appellee.

At this day, upon motion of Paul Burke, Esq. for appellant herein, It is ordered that the hearing in this cause be continued until May 4th, 1911

The Atchison, Topeka & Santa Fe Railway Company, a corporation,
Appellant,

No. 1189 ✓ vs.

James R. Mokely,
Appellee.

At this day, upon motion of Paul Burke, Esq., for appellant herein, it is ordered that each side be allowed one hour for oral argument in this cause.

Little Butte Consolidated Mines Company, a corporation,
Plaintiff in Error,

No. 1190 ✓ vs.

James B. Girand,
Defendant in Error.

At this day comes J. L. G. Alexander Esq., attorney for Plaintiff in Error herein, and moves that this cause be submitted.

Comes also Walter Bennett Esq., attorney for Defendant in Error herein, and moves that said motion be granted.

✓ Thereupon the said motion is said to be passed until Friday, March 24, 1911.

Mar. 22-11

No. 1194

I. S. Bunch,

Petitioner,

vs.

J. A. Woods,

Respondent.

At this day, on motion of A. G. McAlister, Esq., attorney for Petitioner herein, it is ordered that oral argument be granted in this cause and the hearing set for March 22, 1911.

No. 1024

R. P. Richardson,

Appellant,

vs.

Santiago Pinna, Administrator with Will annexed of the Estate of Frank Ely, deceased,

Appellee.

The Mandate in the above entitled cause, from the Supreme Court of the United States, having been received and filed,

It is ordered that the Clerk of this Court issue the Mandate of this Court to the District Court of the First Judicial District in and for the County of Pima in accordance with the Mandate of the Supreme Court of the United States and Rule 11 of this Court.

No. 1130

The Territory of Arizona, at the relation and to the use of J. N. Gaines, Tax Collector in and for the County of Cochise, in the Territory of Arizona,

Appellant,

vs.

Copper Queen Consolidated Mining Company, a corporation,

Appellee.

At this day comes E. S. Clark, Esq., for appellant

herein, in open court, and gives notice of appeal to the Supreme Court of the United States, from the judgement of this Court.

On motion of Mr. Thos. Armstrong, Jr., it is ordered that Mr. S. D. Stevens, Jr., who holds a certificate from the Supreme Court of the State of Louisiana, be admitted to practice in this court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Stevens took the required oath.

T. S. Bunch,
Petitioner,
vs.
No. 1194. J. A. Woods,
Respondent.

This cause coming on at this time for hearing was argued by F. G. McAlister, Esq., for Petitioner and H. R. Lynch, Esq., for Respondent, and cause ordered submitted.

The Atchison, Topeka & Santa Fe Ry. Company, a corporation,
Appellant,
vs.
No. 1189. James R. Mobley,
Appellee.

At this day on motion of Paul Burks, Esq., attorney for appellant herein, it is ordered that he be granted leave to make corrections in appellants brief.

It is ordered that this Court stand adjourned until Friday March 24th, 1911, at ten o'clock A. M.

Edward Douglass White
Chief Justice
U. S.

Mar. 24-'11 Supreme Court, } January Term, A. D. 1911
Territory of Arizona. } Phoenix, Arizona. Friday Mar. 24-1911

Court Opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" John H. Campbell, " "
" Ernest W. Lewis, " "
" Edward M. Doe, " "

F. A. Gritle Jr., Clerk.
M. H. Calderwood, Crier.
T. J. Duncan, Bailiff.

The following business was transacted.

Little Butte Consolidated Mines Company, a corporation,
Plaintiff in Error,
vs.
No. 1190 James B. Girand,
Defendant in Error.

At this day it is ordered by the Court that the motion heretofore submitted of Plaintiff in Error to submit cause on briefs, be and the same is hereby denied.

It is further ordered that the motion heretofore submitted, of Defendant in Error for oral argument, be and the same is hereby denied, and

It is further ordered that the setting of this cause be passed until the next regular January Term.

The Territory of Arizona, ex rel
John D. Wright, Attorney General,
Plaintiff,

No. 1174. vs.

The Board of Supervisors of
Graham County, Arizona, and
George Webster, et al., constituting
the members of said Board,
Defendants.

The motion for oral argument in this cause coming on at this time for hearing, it is ordered by the Court that the matter be passed until tomorrow, March 25th.

On motion of Mr. A. C. Baker, it is ordered that Mr. George H. Glenn, who holds a certificate from the District Court of the Fourth Judicial District of the Territory of Arizona, in and for the County of Cochise, be admitted to practice in this Court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Glenn took the required oath.

A. J. Head,
Appellant,

No. 1196. vs.

The Orient National Bank
a corporation, and F. Grant,
Appellees.

At this day, it is ordered by the Court that the Motion to affirm the judgment of the lower court filed herein by appellees be submitted.

It is further ordered that the application for leave be granted ten days time within which to file exceptions to transcript.

It is ordered that this Court stand adjourned until tomorrow, March 25th 1911, at 10 o'clock A.M.

Edward Kent
Chief Justice.

Supreme Court,
Territory of Arizona.

January Term, A.D. 1911.
Phoenix, Arizona. Saturday Mar. 25, 1911.
Court opened at 10 o'clock, A.M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice
" John H. Campbell, " "
" Ernest W. Lewis " "
" Edward M. Doe, " "

F.A. Tritle Jr., Clerk,
M.H. Calderwood, Crier.
F.J. Duncan, Bailiff.

The following business was transacted-

No. 1157

George N. Olney,
Appellant,
vs.
H. H. Bishop,
Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises;

It is ordered that the judgment of the District Court be, and the same is hereby reversed and the case remanded with directions to overrain the demurrer.

It is further ordered, adjudged, and decreed that the appellant herein do have and recover of and from H. H. Bishop, appellee herein his costs in this court, taxed at Seventy and 80/100 ($70.80) Dollars, ---------- together with his

costs in the court below in this cause incurred.

Belle J. Barnes,
Appellant,
No. 1169. vs.
L. C. Shattuck, et al., Defendants,
Mary E. Steel, Executrix, and
J. L. E. Alexander, Intervenors,
Appellees.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellees herein do have and recover of and from the appellant herein, and of and from L. H. Manning and Eric Randolph, the sureties on the Cost and Supersedeas appeal bond herein, the sum of Six Thousand Two Hundred and fifty ($6,250.) Dollars, with legal interest thereon from the first day of May, 1909, until paid, together with appellees costs in this court incurred in this cause, taxed at Thirty-nine ($39.00) ------ Dollars, and appellees accruing costs in the court below, and that appellees have execution therefor.

Eugene L. Hamilton,
Appellant,
No. 291. vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises:

Mar. 25'11

It is ordered that the judgment and sentence of the trial court be, and the same are hereby, affirmed

No. 294. Frank Barnes, Appellant, vs. Territory of Arizona, Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises:

It is ordered that the judgment of the trial court be, and the same is hereby reversed, and the cause be, and the same is hereby, remanded for a new trial.

No. 295. Elias S. Kimball and Richard A. Shipp, Appellants, vs. Territory of Arizona, Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the verdict and judgment of the District Court be, and the same are hereby set aside, and the case be, and the same is hereby, remanded to the District Court for a new trial.

✓ ~~It is further ordered, adjudged and decreed that the appellants herein do have and recover from and from the County of Graham, Territory of~~

~~Arizona, their costs in this court, taxed at~~

D. A. Williams,
Appellant,
vs.
No. 297 ✓ Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

H. S. Ferris and H. H. McKittrick,
Appellants,
vs.
No. 1124 ✓ Jeff. Ryan, T. C. Ryan, and
E. B. Ryan,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that should the appellees elect to file a remittitur in this court within twenty days hereafter in the amount of sixty-four dollars and five hundred sixty-four and 63/100 {$64.564.63} dollars, judgment shall be entered in this court in favor of the appellees and against the appellants and United Surety Company, surety on the Supersedeas Bond on appeal and against the Pacific Surety Company, surety upon the bond given in the Court below in the sum of sixty-seven thousand four hundred and thirty-three and 39/100 {$67,433.39} dollars; and in the trial court and for the costs

✓

Mar. 25, '11 be awarded to the appellant, otherwise that the judgment of the lower court be reversed and the cause remanded for a new trial.

It is further ordered, adjudged and decreed that the appellant herein do have and recover of and from Jeff. Ryan, T. C. Ryan and E. B. Ryan, appellees herein their costs in this court, taxed at three hundred fifty-three and 70/100 ($353.70) dollars

Santiago Pinera, Administrator, with Will annexed of the Estate of Frank Ely, deceased,

Appellant,

No. 1138. vs.

The New Mexico and Arizona Railroad Company, a corporation,

Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from the appellant herein its costs in this court taxed at thirty-six ($36.00) dollars.

It is further ordered, adjudged that the appellant herein do have and recover of and from the appellee herein his costs in the court below in this cause incurred, taxed at twenty-three and 25/100 ($23.25) dollars.

The Arizona Power Company,
a corporation,
Appellant,

No. 1159. vs.

J. A. Kellam,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from The Arizona Power Company a corporation Appellant herein, and M. B. Hazeltine and W. H. Doyle, sureties on Supersedeas Bond herein the sum of Five Hundred thirty-nine and 99/100 ($539.99) Dollars, with interest thereon at six per cent. per annum from the 7th day of December, 1909, until paid.

It is further ordered and adjudged that the Appellee herein do have and recover of and from The Arizona Power Company, Appellant herein, and M. B. Hazeltine and W. H. Doyle, sureties on Supersedeas Bond herein and James A. Hope and W. D. Aitken, sureties on Cost Bond herein, his costs in this court, taxed at Thirty ($30.00) dollars, together with his costs in the court below in this cause incurred.

The Arizona Power Company,
a corporation,
Appellant,

No. 1164. vs.

Racine-Sattley Company,
a corporation,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein, its [illegible]

Mar. 25, '11 appellant herein, and James A. Hope and H. D. Aitken, sureties on Cost Bond on appeal herein, its costs in this court, taxed at forty-four and 90/100 ($44.90) dollars, together with its costs in the court below in this cause incurred.

Etta L. Sanford, Anna S. McKee, Fred. McKee, her husband, Harry B. Riggs, Dan A. Sanford, Jr. Manuel Estrada and Estanislado Bravo,

Appellants,

No. 1171. vs.

Santiago Arisa, Administrator with Will annexed of the Estate of Frank Ely, deceased,

Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from the Appellants herein, and Southern Arizona Bank & Trust Company, surety on Supersedeas Bond herein, the sum of Sixteen Hundred ($1600.) Dollars, together with his costs in this court, taxed at Dollars, and his costs in the court below in this cause incurred.

Edward Geiger,
Appellant,
No. 1178 ✓ vs.
J. F. Dowdy and E. L. Gibson,
Appellees.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, reversed, and the cause be, and the same is hereby, remanded for a new trial.

✓ It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from J. F. Dowdy and E. L. Gibson, Appellees herein his costs in this Court, taxed at One hundred thirty-three and 80/100 ($133.80) dollars.

A. E. Hurst,
Appellant,
No. 1180 ✓ vs.
F. N. Lakin, Receiver First National Bank of Globe, Arizona,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, reversed, and the cause be, and the same is hereby, remanded for a new trial.

✓ It is further ordered, adjudged and decreed that the appellant herein do have and recover of the appellee herein, his costs in this Court, taxed at Thirty-five and 85/100 ($35.85) dollars.

Mar. 25, '11

No. 1183.

H. C. Vincent,

Appellant,

vs.

Allen Smith,

Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the cause and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from H.C. Vincent, appellant herein, and G.C. Ruffner and H.L. Richards, sureties on Supersedeas Bond herein the sum of One Thousand ($1,000.) Dollars, together with his costs in this cause, taxed at thirty ($30.00) ..... ---------- Dollars, and his costs in the court below in this cause incurred, and accruing costs in this court, taxed at two and 10/100 ($2.10) dollars.

No. 1194.

T.S. Bunch,

Petitioner,

vs.

J.A. Woods,

Respondent.

This cause having been heretofore submitted and by the Court taken under advisement and the Court having considered the cause and being fully advised in the premises;

It is ordered that the Petition for peremptory writ of mandamus be granted, and the writ issue as prayed for.

It is further ordered, adjudged and decreed that the Petitioner herein do have and recover of and from J.A. Woods, Respondent herein, his costs and disbursements incurred, taxed at

Sierra de Oro Gold Mining and Milling Company, Limited, of Arizona, a corporation,

Appellant,

No. 1195. vs.

The Becker-Franz Company, a corporation,

Appellee.

The motion to Affirm the judgment of the District Court, filed herein by appellee, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that said motion be granted and the judgment of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from the Sierra de Oro Gold Mining & Milling Company, Limited, of Arizona, appellant herein, and Dell M. Potter and Sam Abraham, sureties on appeal herein, its costs in this court taxed at seventeen and 45/100 ($17.45) dollars, together with its costs in the court below in this cause incurred.

On motion of F. C. Baker, Esq., it is ordered that Fred C. Townsend, Esq., who holds a certificate from the Supreme Court of the State of New York, be admitted to practice in this court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon in open court Mr. Townsend took the required oath.

Mar. 25, '11

On motion of Frank H Lyeman, Esq., it is ordered that Harry Johnson Esq, who holds a certificate from the Supreme Court of Tennessee, be admitted to practice in this court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Johnson took the required oath.

On motion of J. L. Smet Esq, it is ordered that John Chumley Esq, who holds a certificate from the Supreme Court of Tennessee, be admitted to practice in this court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Chumley took the required oath.

No. 1192.

Etta Crandall, Administratrix of the Estate of Edward S. Crandall, deceased,

Appellant,

vs.

Consolidated Telephone, Telegraph and Electric Company, a corporation,

Appellee.

At this day, on motion of Thos. Armstrong, Jr., attorney for appellant herein, it is ordered that this cause be submitted.

The Territory of Arizona, ex. rel
John D. Wright, Attorney General,
Plaintiff;

No. 1174 v

vs.

The Board of Supervisors of
Graham County, Arizona, and George
Webster, et al., constituting the
members of said Board,
Defendants.

The motion for oral argument in this cause coming on at this time for hearing; it is ordered by the Court that the matter be passed until Monday morning, March 27, 1911.

It is ordered that this Court stand adjourned until Monday, March 27, 1911, at 10 o'clock A. M.

Edward Kent
Chief Justice.

Supreme Court, } January Term, A. D. 1911.
Territory of Arizona. } Phoenix, Arizona, Monday Mar. 27, 1911.
Court opened at 10 o'clock A. M.
Present: Honorable Edward Kent, Chief Justice.
" Fletcher M Doan, Associate Justice.
" John H Campbell, " "
" Ernest W. Lewis, " "
" Edward M. Doe, " "
F. A. Fritz Jr., Clerk,
M. H. Caldellwood, Crier,
F. J. Duncan, Bailiff.

The following business was transacted.

Mar. 27/11

No. 293.

Walter Sharp,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the cause and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

No. 1149.

William N. Paine, Henry F. Foster, Thomas S. Dee, and Leonard D. Draper, co-partners doing business under the name and style of Paine, Keller and Company,
Appellants,
vs.
Copper Belle Mining Company of Arizona,
James B. Riley,
and
Appellee,
Defendant,
Intervenor

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the cause and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

It is further ordered adjudged and decreed that the Appellee herein do have and recover of and from the Appellants herein his costs and charges herein expended, taxed at Twenty-seven and 75/100 ($27.75) Dollars, together with his costs in the Court below herein incurred, and accruing costs in this Court.

This judgment is affirmed Apl 28. 1911 Mandate issued May 2. 1911

Anna M. McCord,
Appellant,
vs.
No. 1168. Mary Emma McCord,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from Anna M. McCord, appellant herein, and R.F. Garrett and F.O. Kenney, sureties on cost bond on appeal herein, her costs in this court, taxed at thirty-seven and 40/100 ($37.40), dollars, together with her costs in the Court below in this cause incurred.

Grand Prairie Construction Company, a corporation,
Appellant,
No. 1173. vs.
United States of America,
Appellee.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from Grand Prairie Construction Company, a corporation, appellant herein, and [illegible]

Mar. 27-'11 herein, the sum of forty-five thousand ($45,000.) dollars, and its costs in this cause, taxed at twenty-one and 40/100 ($21.40) Dollars, together with its costs in the court below in this cause incurred, taxed at the sum of two thousand two hundred ten and 25/100 ($2,210.25) dollars.

R. A. Kiton,

Appellant,

No. 1175. vs.

Board of Medical Examiners of Arizona,

Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby affirmed.

It is further ordered adjudged and decreed that the appellee herein do have and recover of and from R. A. Kiton, appellant herein, and W. M. Hand and F. J. Halterman, sureties on appeal bond herein, its costs in this court, taxed at

together with its costs in the court below, in this cause incurred.

The Bank of Arizona,

Appellant,

No. 1176. vs.

The Thomas Hardy Company, a corporation,

Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement, and

the Court having considered the cause and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed, that the appellee herein do have and recover of and from the appellant herein, the Bank of Arizona, and of and from Hugo Richards and M.B. Hazeltine, the sureties on the cost and Supersedeas appeal bond herein, the sum of Nine Thousand Three Hundred and thirteen and 90/100 ($9,313.90) Dollars, with interest thereon at the rate of six per cent. per annum from the 18th day of March, 1910, until paid, and the further sum of One Hundred and 25/100 ($100.25) Dollars costs in the court below in this cause incurred by the appellee, together with the costs of appellee incurred in this court taxed at Thirty four and 80/100 ($34.80) Dollars, and the accruing costs in the court below, and that appellee have execution therefor.

Henry Koerger,
Appellant,
vs.
No. 1185. The Twin Buttes Railroad Company, a corporation,
Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby reversed, and the cause be and the same is hereby remanded for a new trial.

It is further ordered, adjudged and decreed that the appellant herein do have and recover of and from the Twin Buttes Railroad Company, a corporation, appellee, [illegible]

court, taxed at

No. 1124.

U. S. Ferris, et al.,
Appellants,
vs.
Joseph Ryan, et al.,
Appellees.

At this day, comes N. C. Baker, Esq., for appellants herein, in open court, and gives notice of appeal to the Supreme Court of the United States, from the judgment of this court, and moves that the Mandate be stayed for sixty days.

Whereupon the Court ordered that said motion be taken under consideration.

No. 1110.

Gila Valley, Globe & Northern Railway Company, a corporation,
Appellant,
vs.
John Hall,
Appellee.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by appellant and heretofore submitted, be, and the same is hereby, denied.

No. 1124.

U. S. Ferris, et al.,
Appellants,
vs.
Joseph Ryan, et al.,
Appellees.

Comes now Samuel L. Patten on behalf of counsel for the appellees, and in open court the appellees, by their counsel remit from the [illegible] of the Circuit Court of the United States

Thousand Five Hundred Sixty-four and 63/100 {$64,564.63} Dollars, and release and remit the above named defendants and appellants from so much of said judgment, and consent that judgment be entered in this court in favor of the appellees and against the appellants and the sureties upon their appeal bond and against the Pacific Surety Company, surety on the bond given in the court below, for the sum of Sixty-seven Thousand Four Hundred Thirty-five and 39/100 {$67,435.39} Dollars, in pursuance of the opinion and order of this court made on the 25th day of March, 1911.

The Territory of Arizona, ex rel
John C. Wright, Attorney General,
Plaintiff,

vs.

No. 1174.

The Board of Supervisors of
Graham County, Arizona, and George
Webster, H. J. Doodle, and C. C.
Price, constituting the members
of said Board,

Defendants.

Comes now H. J. Galbraith Jr., for Plaintiff herein, and moves that W. M. Seabury, Esq., heretofore appointed Commissioner in this cause, be allowed fees for services as said Commissioner.

Whereupon the court ordered that said motion be taken under advisement.

Mar. 27, '11

No. 1174.

The Territory of Arizona, ex rel John B. Wright, Attorney General,

Plaintiff,

vs.

The Board of Supervisors of Graham County, Arizona, and George Webster, et al., members of said Board,

Defendants.

This cause coming on at this time for hearing was argued by W. J. Galbraith, Jr., Esq., for Plaintiff and Walter Bennett, Esq., and Jos. H. Kibbey Esq., for Defendants, and cause ordered submitted.

No. 1179.

L. J. Boudreau, Special Administrator of the Estate of Clifford E. Yutzmans, deceased,

Appellant,

vs.

Tucson Gas, Electric Light and Power Company, a corporation,

Appellee.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same, and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, reversed, and the cause be, and the same is hereby remanded with direction to overrule the demurrer to the amended complaint.

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from the Tucson Gas, Electric Light and Power Company, a corporation, appellee herein, his costs in this Court taxed at Eighty-eight and 5/100 ($88.05) Dollars

You are nearing the end

of this Book. When you have used this far tear out this slip and return to us if you wish an exact duplicate of this Book. ¶ Return at once in order to give us ample time, as all blank books should be well seasoned before being used. ¶ If from any reason this Book has failed to give satisfaction we will appreciate your calling our attention to its defect. ¶ This slip is all that is required for a duplicate, as we have a complete description and sample of this Book.

JOB NUMBER

1315

The H. H. McNeil Company

¶ STATIONERS, PRINTERS
BLANK BOOK MANUFACTURERS

PHOENIX :: :: ARIZONA

No. 1124.

H. S. Lewis, et al.,
Appellants,
vs.
Joseph Ryan, et al.,
Appellees.

At this day it is ordered that the motion of attorney for appellants, heretofore submitted, that Mandate be stayed sixty days, be and the same is hereby granted.

No. 1174.

The Territory of Arizona, ex rel
John D. Wright, Attorney General,
Plaintiff,
vs.
The Board of Supervisors of Graham County, Arizona, and George Webster, H. J. Dowdle, and G. C. Price, constituting the members of said Board,
Defendants.

The motion of attorney for Plaintiff that W. M. Seabury, Esq., be allowed fees for services as Commissioner, having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that said motion be granted and the said W. M. Seabury, Esq., be awarded and paid two hundred and fifty ($250.) dollars for services as Commissioner in this cause, said sum to be hereafter taxed as costs in the cause against the losing party.

Order fixing times for holding Court in the Fourth Judicial District, Territory of Arizona.

It is hereby ordered that the terms of the District Court of the Fourth Judicial District of the Territory of Arizona

Mar. 27'11 ferred upon it by paragraph 1910 of the Revised Statutes of the United States, and also the District Court of said district in and for the County of Coconino, held under the authority of paragraph 1874 of said statutes, are hereby fixed, and the terms thereof shall be held, as follows:

In the County of Yavapai on the first Monday in May and the first Monday in November.

In the County of Mohave on the first Monday in April and the third Monday in October.

In the County of Coconino on the third Monday in April and the third Monday in September.

In the County of Navajo on the second Monday in October.

In the County of Apache on the first Monday in October.

Gila Valley, Globe and Northern Railway Company,

Appellant,

No. 1110. vs.

John Hall,

Appellee.

Comes now S. L. Pattee Esq. for appellant herein and moves that an order be made and entered in this cause substituting the Arizona Eastern Railroad Company in place of the Gila Valley, Globe and Northern Railway Company for the reason that by consolidation of said Gila Valley, Globe and Northern Railway Company with certain other railway corporations the said Arizona Eastern Railroad Company has become the successor of said Gila Valley, Globe and Northern Railway Company and that said Gila Valley, Globe and Northern Railway Company has ceased to exist.

Thereupon, argument being had, the appellant

the motion is withdrawn.

No. 1110.

Gila Valley, Globe and Northern Railway Company,

Appellant,

vs.

John Hall,

Appellee.

At this day, on motion of S.L. Patten Esq., for appellant herein, it is ordered that the Mandate in this cause be stayed ten days.

No. 1193.

O.C. Parker, Justice of the Peace in and for Phoenix Precinct, Maricopa County, Arizona, and Glendale State Bank, a corporation,

Appellants,

vs.

Gen Uchida,

Appellee.

At this day, on motion of F.C. Struckmeyer, Esq., it is ordered that appellants herein be granted additional time thirty days within which to file brief.

It is ordered that this Court stand adjourned until Thursday, May 4th, 1911, at 10 o'clock A.M.

Chief Justice.

In the Supreme Court of the Territory of Arizona.

Territory of Arizona, ex rel
John H. Wright, Attorney General,
Plaintiff,

No. 1174.

vs.

The Board of Supervisors of Graham County, Arizona, and George Webster, H. J. Doodle, and G. A. Dina, constituting the members of said Board,
Defendants.

Application having been made by Kibbey, Bennett & Bennett, Attorneys for Defendants in the above entitled cause for an extension of time within which to file a supplemental brief, it is by me

Ordered that the time within which said brief may be filed be, and the same is hereby extended to and including the 7th day of April, 1911.

Done in Chambers this 28th day of March, 1911.

(Signed) Edward Kent,
Chief Justice.

Supreme Court, } January Term, A. D. 1911.
Territory of Arizona. } Phoenix, Arizona. Thursday, May 4, 1911.

Court opened at 10 o'clock, A. M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" John H. Campbell " "
" Ernest W. Lewis, " "
" Edward M. Doe, " "
F. A. Gritle Jr., Clerk,
M. H. Calderwood, Crier,
T. J. Duncan, Bailiff.

The following business was transacted.

William N. Paine, et al.,
Co-partners, doing business
under the firm name and style
of Paine, Webber & Company,
Appellants,

No. 1149. vs.

Copper Belle Mining Company,
Defendant,

James B. Riley,
Intervenor and Appellee.

At this day, it is ordered by the court that the Motion for Rehearing filed herein by appellants, be submitted

Belle J. Barnes,
Appellant,

No. 1169. vs.

L. C. Shattuck, et al.,
Defendants.

J. L. B. Alexander, et al.,
Intervenors and Appellees.

At this day, it is ordered by the court that the Motion for Rehearing filed herein by appellants, be submitted.

May 4-11

No. 1171. Etta L. Sanford, Anna S. McKee, et al.,
Appellants,
vs.
Santiago Sinsa, Administrator of the Estate of Frank Ely, deceased,
Appellee.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by appellants be submitted.

No. 1173. Grant Brothers Construction Company, a corporation,
Appellant,
vs.
United States of America,
Appellee.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by appellant, be submitted.

No. 1175. R. A. Hilton,
Appellant,
vs.
The Board of Medical Examiners of Arizona,
Appellee.

At this day, it is ordered by the Court that the Motions for Rehearing filed herein by appellant, be submitted.

No. 1185. Henry Krueger,
Appellant,
vs.
The Inyo Butte Railroad Company, a corporation,
Appellee.

At this day, it is ordered by the Court that the Exceptions to Appellant's Statement of Costs, filed herein by Appellee, be sustained.

The Bank of Arizona,
a corporation,
Appellant,
No. 1176. vs.
The Thomas Haverty Company,
Appellee.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by appellant be submitted.

Edward Geiger,
Appellant,
No. 1178. vs.
J. F. Dowdy, et al.,
Appellees.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by appellees, be submitted.

H. C. Vincent,
Appellant,
No. 1183. vs.
Allen Smith,
Appellee.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by appellant be submitted.

A. J. Head,
Appellant,
No. 1196. vs.
The Arcett National Bank,
a corporation, et al.,
Appellees.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by appellant be submitted.

May 4-11 Court filed herein by appellees, he submitted.

Henry Koerger,
Appellant,
vs.
No. 1185 The Iron Butte Railroad
Company, a corporation,
Appellee.

On motion of Frank H Hereford Esq., attorney for appellee herein, it is ordered that oral argument be granted on Motion for Rehearing.

On motion of Walter Bennett Esq., it is ordered that Carl C. Thorne Esq., who holds a certificate from the Supreme Court of the State of Utah, be admitted to practice in this Court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Thorne took the required oath.

On motion of Frank H Hereford, Esq., it is ordered that William C. Fowelle, Esq., who holds a certificate from the Supreme Court of the State of Ohio, be admitted to practice in this Court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open Court Mr. Fowelle took the required oath.

On motion of Jos. E. Morrison, Esq., it is ordered that R. H. Finch, Esq., who holds a certificate from the District Court of the Second Judicial District of the Territory of Arizona, in and for the County of Cochise, be admitted to practice in

this court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court, Mr. French took the required oath.

Territory of Arizona, ex rel,
John C. Wright, Attorney General,
Plaintiff,
vs.
No. 1174. The Board of Supervisors of
Graham County, Arizona, etc.,
Defendants.

At this day, on motion of John C. Wright Esq., attorney for Plaintiff herein, it is ordered that he be granted permission to file supplemental brief.

On motion of Jas. H. Kibbey, Esq., for Defendants herein, it is ordered that he be granted thirty days within which to file reply brief.

Grant Brothers Construction
Company, a corporation,
Appellant,
vs.
No. 1173. United States of America,
Appellee.

Comes now H. C. Baker, Esq., attorney for appellant herein, and moves for time within which to file brief on motion for rehearing.

Whereupon the Court ordered that said motion be taken under consideration.

May 4-'11 Henry Berger,
Appellant,
No. 1185 vs.
The Twin Buttes Railroad
Company, a corporation,
Appellee.

The Motion for Rehearing coming on at this time for hearing was argued by Frank H Hufford for appellee herein, and motion ordered submitted.

The Atchison, Topeka & Santa Fe
Railway Company, a corporation,
Appellant,
No. 1189 vs.
James R. Mobley,
Appellee.

At this day, on motion of Paul Burks Esq., attorney for appellant herein, it is ordered that argument in this cause be continued until November 9th, 1911.

At this day came Paul Burks, Esq., and stated that he desired to present to the Court, with the request that they be entered upon the minutes the following resolutions adopted by the Northern Arizona Bar Association in respect to the memory of the late Col. J. F. Wilson:

"Testimonial to the life and Character of
Hon. John F. Wilson.

The members of the Bar of Arizona, have heard with sorrow, and profound sense, of the decease of one of their most distinguished members, Hon. John F Wilson of Prescott, which came to them as a suddenness, like a flash of lightning out of a clear sky, as but a few moments prior to his being stricken down, he was in apparent full health and activity among

them, in his usual place.

Again we are constrained to pause in the busy affairs of life, and contemplate that mystery which is the end of his hopes and fears, his noble efforts and triumphs, and must also terminate those of all human kind.

To review his life and achievements would be to recount those admirable qualities of person and character, that distinguish, in all ages, the moulders and leaders of thought and action among men.

He was called to many responsible public trusts and duties, and discharged them all with signal credit to himself and his constituents. As a soldier, giving his young life and energies to the cause he served; as Attorney General, wise and safe in the administration of public affairs; as Prosecuting Officer, the implacable foe of lawlessness, and able in prosecution; as a judge, able, impartial, and above all, patient and forbearing; as a member of the first Constitutional Convention of Virginia, profoundly wise and conservative in statesmanship; as a Legislator; and as a Representative in Congress; bringing to the councils of the Commonwealth and Nation the wisdom and ability of practical experience, and a mind stored with knowledge; as a Lawyer, loyal to, and zealous in, the interests of his clients; as a private citizen, ever kind, warm-hearted and thoughtful; and as a partisan, high minded, urbane and conciliatory, never countenancing the detraction of opponents, and unalterably opposed to all questionable methods in party warfare.

His whole career in life was distinguished by ability, honesty, and a devotion to high purposes, and he maintained throughout, an undaunted courage, and a steadfast devotion to the lofty ideals of his youth. His love for Virginia was unquenchable, and the record of his life will adorn her history. To his bereaved family we extend our sincere sympathy, and cherished [illegible]

May 4-'11 funerable loss. It will not obliterate, but may assuage their grief, to know, that within the memory of his fellow members of the Bar, he fought the good fight worthily and with honor, falling in life's battle, while in full career with his "armor on", and that his memory will ever be to them a guiding inspiration, leading the way through the perplexities, anxieties and trials of life.

That this brief epitome of, and testimonial to, the life and character of our departed brother may be preserved, we recommend that it be presented to the several courts of record of the County of Yavapai, and to the Supreme Court of Arizona, to be by them entered at length, upon their respective records, and that a suitably engrossed copy thereof, be prepared and delivered to his family.

Dated Prescott, Arizona, April 10th 1911.

John J. Hawkins
David E. Parks,
Robt. E. Morrison,
Ed. H. Wells,
Henry D. Ross,
LeRoy Anderson.
} Committee

Thereupon, Associate Justice Doe, speaking for the Court, said:

"I have known Colonel Wilson ever since his coming to the Territory nearly a quarter of a century ago. He came with the reputation of a gallant soldier, an able lawyer and a distinguished gentleman. In the latter respects his life has exemplified the fact that such reputation was well deserved. He was prominent in the affairs of the great political party with which he was affiliated, and was twice elected by the people of Arizona as their delegate in Congress. The uniform courtesy and kindly consideration exhibited by him in his relations with the

Bench and Bar have ever commanded for him our sincere respect and esteem. He deplored the modern tendency to commercialize the practice of the law. In every case in which he appeared the desire to faithfully discharge the trust reposed in him was, to him, the primary consideration, the question of compensation being but a minor matter. He observed a standard of professional ethics in accord with the highest standards of the leaders of the American Bar of a generation ago. His fidelity to every trust, his high sense of honor, his uniform courtesy and genial disposition endeared him to all who came in contact with him.

We most heartily concur in the sentiments expressed in the resolution."

Thereupon, Mr. Chief Justice Kent read the resolutions as presented by the Bar Association, and the remarks of Mr. Burke in presenting them, as also the response of Mr. Justice Doe in behalf of the Court, will be spread upon the records of the court by the Clerk.

As a further mark of respect to the memory of one whom we held in high esteem this court will now adjourn.

It is ordered, that this court stand adjourned until Saturday May 6th, 1911, at 10 o'clock A.M.

Chief Justice.

May 6-11

Supreme Court, } January Term, A. D. 1911.
Territory of Arizona. } Phoenix, Arizona. Saturday, May 6. 1911.

Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" John H. Campbell, " "
" Ernest W. Lewis, " "
" Edward M. Doe, " "

F. A. Tritle, Jr., Clerk.
M. H. Calderwood, Crier.
T. J. Duncan, Bailiff.

The following business was transacted:

No. 1151.

Ivan Hefeld,
Plaintiff in Error,
vs.
The Detroit Copper Mining Company of Arizona, a corporation,
Defendant in Error.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Defendant in Error herein, do have and recover of and from Ivan Hefeld, Plaintiff in Error herein, and Sam Abraham and W. F. Hagan, sureties on cost bond herein, its costs in this cause, taxed at thirty and 45/100 ($30.45) Dollars together with its costs in the District Court in this cause incurred, and accrued costs in this court, taxed at five and 35/100 ($5.35) Dollars.

Michael Levy,
Appellant,
vs.
No. 296 ✓ Territory of Arizona,
Respondent.

This cause having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises;

It is ordered that the judgment of the District Court be, and the same is hereby affirmed.

William A. Paine, et al., co-partners, doing business under the firm name and style of Paine, Hefter & Company,
Appellants,
vs.
No. 1149. ✓ Copper Belle Mining Company,
Defendant,
James B. Riley,
Intervenor and Appellee.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by appellants and heretofore submitted, be, and the same is hereby, denied.

Belle J. Barnes,
Appellant,
vs.
No. 1169. ✓ L. C. Shattuck, et al.,
Defendants,
J. L. Goldwater, et al.,
Intervenors and Appellees.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by appellants and heretofore submitted, be, and the same is hereby, denied.

May 6, '11

No. 1171. Etta L. Sanford, Ann S. McKee, et al.,
Appellants,
vs.
Santiago Arispe, Administrator
of the Estate of Frank Ely, deceased,
Appellee.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by appellants, and heretofore submitted, be, and the same is hereby, denied.

No. 1173. Grant Brothers Construction Company, a corporation,
Appellant,
vs.
United States of America,
Appellee.

At this day it is ordered by the Court that appellant's Motion for time within which to file brief on Motion for Rehearing, heretofore submitted be, and the same is hereby granted and appellant is hereby granted sixty days within which to file brief on Motion for Rehearing.

No. 1173. Grant Brothers Construction Company, a corporation,
Appellant,
vs.
United States of America,
Appellee.

At this day, it is ordered by the Court that appellee herein be granted thirty days after the filing of brief by appellant on Motion for Rehearing, within which to file reply thereto.

R. A. Hilton,
Appellant,
No. 1175. vs.
The Board of Medical Examiners of Arizona,
Appellee.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by appellant, and heretofore submitted, be, and the same is hereby, denied.

The Bank of Arizona,
a corporation,
Appellant,
No. 1176. vs.
The Thomas Haverly Company,
Appellee.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by appellant, and heretofore submitted, be, and the same is hereby, denied.

Edward Geiger,
Appellant,
No. 1178. vs.
J. F. Dowdy, et al.,
Appellees.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by appellees, and heretofore submitted, be, and the same is hereby, denied.

May 6-'11

No. 11831

H. C. Vincent,
Appellant,
vs.
Allen Smith,
Appellee.

At this day it is ordered by the Court that the Motion for Rehearing filed herein by appellant, and heretofore submitted, be, and the same is hereby, denied.

No. 11851

Henry Kreger,
Appellant,
vs.
The Twin Buttes Railroad Company, a corporation,
Appellee.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by appellee, and heretofore submitted, be, and the same is hereby, granted.

No. 11852

Henry Kreger,
Appellant,
vs.
The Twin Buttes Railroad Company, a corporation,
Appellee.

At this day it is ordered by the Court that appellee's Exceptions to appellant's Statement of Costs filed herein and heretofore submitted, be and the same is, as to items 1 and 2, disallowed; but that the objections to the item "additional appearance fee in the above entitled cause, $10.00" be sustained and said item stricken from the Statement of Costs herein, and the costs reduced in the sum of $73.75.

A. J. Head,

Appellant,

No. 1196. vs.

The Prescott National Bank, a corporation, and A. Grant,

Appellees

The Motion to Affirm the judgement of the District Court, filed herein by appellees, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises:

It is ordered that said motion be granted and the judgement of the District Court be, and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the appellee The Prescott National Bank, a corporation herein, do have and recover of and from A. J. Head, appellant herein, and J. J. Gardner and A. M. Covell, sureties on appeal bond herein, its costs in this cause taxed at twelve and 25/100 ($12.25) dollars, together with its costs in the court below in this cause incurred.

Etta L. Sanford, Ann S. McKee, et al,

Appellants,

No. 1171. vs.

Santiago Arana, Administrator of the Estate of Frank Ely, deceased,

Appellee.

At this day comes C. F. Ainsworth, Esq., for appellant herein, in open court, and gives notice of appeal to the Supreme Court of the United States, from the judgement of this Court, and

Upon motion of C. F. Ainsworth Esq. it is ordered that the appeal be, and the same is hereby allowed, and the amount of the Supersedeas Bond in the sum of Seven Thousand Five Hundred ($7,500.) Dollars, and the Citation to be issued

May 6, 11 ninety days.

R. A. Alston,
Appellant,
No. 1175 V
vs.
The Board of Medical Examiners
of Virginia,
Appellee.

At this day comes C. F. Ainsworth, Esq., for appellant herein, in open court, and gives notice of appeal to the Supreme Court of the United States, from the judgment of this Court, and

Upon motion of C. F. Ainsworth, Esq., it is ordered that the appeal be, and the same is hereby, allowed, and the amount of the cost bond be fixed in the sum of One Thousand ($1,000.) Dollars.

William A. Paine, et al.,
Co-partners, doing business
under the firm name and style
of Paine, Webber & Company,
Appellants,
No. 1149 V
vs.
Copper Belle Mining Company,
Defendant,
James B. Riley,
Intervenor and Appellee.

At this day comes Walter Bennett, Esq., for appellants herein, in open court, and gives notice of appeal to the Supreme Court of the United States from the judgment of this Court, and

Upon motion of Walter Bennett, Esq., it is ordered that the appeal be, and the same is hereby, allowed, and the amount of the cost bond be fixed in the sum of One Thousand ($1,000.) Dollars.

The Bank of Arizona,
a corporation,
Appellant,
vs.
No. 1176. The Thomas Haverly Company,
Appellee.

At this day comes Jos. H. Kibbey, Esq. for appellant herein, in open court, and gives notice of appeal to the Supreme Court of the United States from the judgment of this Court, and

Upon motion of Jos. H. Kibbey Esq., it is ordered that the appeal be, and the same is hereby, allowed, and the amount of the Supersedeas Bond be fixed in the sum of Twenty Thousand ($20,000.) Dollars.

On motion of Lycander Cassidy Esq., it is ordered that Fred Lewis Ingraham Esq. who holds a certificate from the District Court of the First Judicial District of the Territory of Arizona, in and for the County of Yuma, be admitted to practice in this court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court, Mr. Ingraham took the required oath.

It is ordered that this Court stand adjourned until Thursday, November 9th, 1911, at 10 o'clock A. M.

Edward Kent
Chief Justice

In the Supreme Court of the Territory of Arizona.

No. 1220

Fred S. Peachy,
Appellant,
Against
O.D. McGaddis, J.W. Lorentzy, as Administrators of the Estate of W.E. Sands, deceased, Joshua A. Clair and Mrs. C.R. Sands, Heirs at law of said W.E. Sands, deceased,
Appellees.

Application having been made by appellant above named for an extension of time in which to file and serve a reply brief in the above entitled cause and due and sufficient reason appearing therefor; now, on motion of W.M. Seabury & Connell for appellant, it is

Ordered that appellant above named have to and including October 23, 1911, in which to file a reply brief in the above entitled cause and in which to mail the required number of copies thereof to attorney for appellee.

(Signed) Edward Kent,
Chief Justice.

Supreme Court, } January Term, A. D. 1911.
Territory of Arizona. } Phoenix, Arizona. Thursday November 9. 1911.

Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" John H. Campbell, " "
" Ernest W. Lewis, " "
" Edward M. Doe, " "
F. A. Gritle Jr., Clerk.
M. H. Calderwood, Crier.
F. J. Duncan, Bailiff.

The following business was transacted:

On motion of E. S. Clark, Esq., it is ordered that Joseph Carter, Esq., who holds a certificate from the Supreme Court of the State of Oklahoma, be admitted to practice in this court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Carter took the required oath.

On motion of Geo. D. Christy, Esq., it is ordered that Walter F. Sellers, Esq., who holds a certificate from the Court of Appeals of the State of New York, be admitted to practice in this court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court, Mr. Sellers took the required oath.

On motion of H. H. Linnard, Esq., it is ordered that William R. Thurman, Esq., who holds a certificate from the Supreme Court of Appeals of Virginia, be admitted to practice in this court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court, Mr. Thurman took the

Nov. 9 '11

On motion of J. L. C. Alexander, Esq., it is ordered that Jas. J. Murphy, Esq., who holds a certificate from the Supreme Court of the State of Illinois, be admitted to practice in this court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Murphy took the required oath.

On motion of Paul Burks, Esq., it is ordered that Geo. H. Harbert, Esq., who holds a certificate from the Supreme Court of the State of Texas, be admitted to practice in this court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Harbert took the required oath.

On motion of Thos. Armstrong, Jr., Esq., it is ordered that Clyde M. Gandy, Esq., who holds a certificate from the Supreme Court of the State of Indiana, be admitted to practice in this court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Gandy took the required oath.

On motion of Charles Bowman, Esq., it is ordered that Frank H. Goodbody, Esq., who holds a certificate from the District Court of the First Judicial District (and the Second Judicial District) of the Territory of Arizona, in and for the County of Cochise, be admitted to practice in this court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Goodbody took the required oath.

On motion of Charles Brennan, Esq., it is ordered that D.H. Richardson Esq., who holds a certificate from the District Court of the First Judicial District (and the Second Judicial District) of the Territory of Arizona, in and for the County of Santa Cruz, be admitted to practice in this court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Richardson took the required oath.

On motion of Charles Brennan, Esq., it is ordered that A.J. Knight Esq., who holds a certificate from the District Court of the Second Judicial District of the Territory of Arizona, in and for the County of Cochise, be admitted to practice in this court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Knight took the required oath.

On motion of Charles Brennan Esq., it is ordered that M. Marstellar, Esq., who holds a certificate from the District Court of the Second Judicial District of the Territory of Arizona, in and for the County of Santa Cruz, be admitted to practice in this court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court Mr. Marstellar took the required oath.

No. 296.

Michael Levy,
Appellant,
vs.
Territory of Arizona,
Respondent.

It is stipulated by and between counsel for the

No. 911 — Iron Horse,
Plaintiff in Error,
vs.
No. 1151 — The Detroit Copper Mining Company of Arizona, a corporation,
Defendant in Error.

It this day, it is ordered by the Court that the Motion for Rehearing filed herein by Plaintiff in Error, be submitted.

Grant Brothers Construction Company, a corporation,
Appellant,
vs.
No. 1173 — United States of America,
Appellee.

It this day, it is ordered by the Court that the Motion for Rehearing, filed herein by Appellant, be submitted.

The City of Eureka, a municipal corporation,
Plaintiff in Error,
vs.
No. 1217 — John C. Brazil, et al.,
Defendants in Error.

It this day, it is ordered by the Court that the Motion to Dismiss Writ of Error, filed herein by Plaintiff in Error, be submitted.

Josephine A. Sawn,
Appellant,
vs.
No. 1224 — Joanna Forsyth, et al.,
Appellees.

It this day, it is ordered by the Court that

the Motion to Dismiss Appeal and Affirm the Judgment of the District Court, filed herein by Appellee, be submitted.

Etta L. Sanford, et al.,
Appellants,
vs.
No. 11714 Santiago Sinna, Administrator with Will annexed of the Estate of Frank Ely, deceased,
Appellee.

At this day, it is ordered by the Court that the Motion to make and allow Findings of Fact in the nature of a Special Verdict, filed herein by Appellants, be submitted.

Fred S. Peachy,
Appellant,
vs.
No. 12204 O. D. McGaddis, et al.,
Appellees.

At this day, it is ordered by the Court that the Petition for Injunction, filed herein by Appellant, be submitted.

Fred S. Peachy,
Appellant,
vs.
No. 12204 O. D. McGaddis, et al.,
Appellees.

At this day, it is ordered by the Court that the Petition for Receiver, filed herein by Appellant, be submitted.

Nov. 9-11

No. 1220. Fred L. Leach, Appellant,
vs.
O. D. McGaddis, et al., Appellees.

At this day, it is ordered by the Court that the Motion to Strike from the files herein Appellant's Petition for a Writ of Injunction and for the Appointment of a Receiver, filed herein by Appellees, be submitted.

No. 1220. Fred L. Leach, Appellant,
vs.
O. D. McGaddis, et al., Appellees.

At this day, it is ordered by the Court that the Motion to Dismiss Appeal filed herein by Appellees, be submitted.

No. 1124. W. L. Ferris, et al., Appellants,
vs.
Jeff Ryan, et al., Appellees.

Appellees herein by their attorneys having filed a remittitur in this cause in the sum of Sixty-four Thousand Five Hundred and Sixty-four Dollars and sixty-three cents ($64,564.63), it is on motion Ben Goodrich, Esq., attorney for Appellants herein, and now the Court finds final judgment be entered in this cause in accordance with the order made and entered heretofore on the 25th day of March, 1911.

It is therefore the Court finds certain under advisement.

The Atchison, Topeka and Santa Fe Railway Company, a corporation,
Appellant,

No. 1189. vs.

James R. Mokely,
Appellee.

Comes now Paul Burks, Esq., attorney for appellant herein, and moves the Court for an order dismissing the appeal herein in accordance with a Stipulation entered into by counsel for the respective parties hereto and filed herein,

Whereupon, it is ordered by the Court that said motion be granted and the appeal herein be and the same is hereby dismissed, each party to pay its own costs, and that the appellee herein shall, at his cost, cause to be duly entered a satisfaction of the judgment of the District Court appealed from a satisfactory settlement of said judgment having been made with plaintiff.

It is ordered that this Court stand adjourned until tomorrow, November 10th, 1911, at 10 o'clock A.M.

Edward Kent
Chief Justice.

Nov. 10-11. Supreme Court, } January Term, A. D. 1911.
Territory of Arizona. } Phoenix, Arizona. Friday November 10-1911.

Court Opened at 10 o'clock, A. M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice
" John H. Campbell, " "
" Ernest W. Lewis " "
" Edward M. Doe " "

F. A. Gritle, Jr., Clerk.
M. H. Caldelwood, Crier.
T. J. Duncan, Bailiff.

The following business was transacted.

No. 1165. B. Friedman, Appellant, vs. Lizzie B. Murphey, et al., Appellees.

At this day, it is ordered by the Court that the order made and entered herein on the 10th day of January, 1911 submitting cause on briefs, be and the same is hereby vacated, and the case continued.

No. 1181. Madison F. Larkin, Appellant, vs. H. C. Hagan, et al., Appellees.

At this day, it is ordered by the Court that the order made and entered herein on the 10th day of January, 1911, submitting cause, be and the same is hereby vacated, and the case be, and the same is hereby continued.

Michael Levy,
Appellant,
vs.
No. 296. ✓ Territory of Arizona,
Respondent.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by appellant and heretofore submitted, be, and the same is hereby, denied.

Ivan Horfeld,
Plaintiff in Error,
vs.
No. 1151. ✓ The Detroit Copper Mining Company of Arizona, a corporation,
Defendant in Error.

At this day, it is ordered by the Court that the Motion for Rehearing filed herein by Plaintiff in Error, and heretofore submitted, be, and the same is hereby, denied.

Grand Brothers Construction Company, a corporation,
Appellant,
vs.
No. 1173. ✓ United States of America,
Appellee.

At this day, it is ordered by the Court that the Motion for Rehearing, filed herein by Appellant and heretofore submitted, be, and the same is hereby, denied.

Nov. 10-'11

No. 1174.

The Territory of Arizona,
ex rel John C. Wright,
Attorney General,
Plaintiff,
vs.
The Board of Supervisors of
Graham County, Arizona, and
George Webster, et al.,
Defendants.

At this day, it is ordered by the Court that the order made and entered herein on the 27th day of March, 1911, submitting cause, be and the same is hereby vacated, and the case be, and the same is hereby, continued.

No. 1185.

Henry Kerger,
Appellant,
vs.
The Twin Buttes Railroad
Company, a corporation,
Appellee.

At this day, it is ordered by the Court that the order made and entered herein on the 6th day of May, 1911, granting a rehearing, stands, and the case be, and the same is hereby, continued.

No. 1217.

The City of Bisbee, a municipal
corporation,
Plaintiff in Error,
vs.
John A. Brazil, J. Belle Brazil,
John H. Rea and M. J. McKelligon,
Defendants in Error.

The Motion to Dismiss the Writ of Error, filed herein by Plaintiff in Error, having been heretofore submitted, and by the Court taken under advisement, and the Court having considered the same,

and being fully advised in the premises:

It is ordered that said Motion be granted and the Writ of Error be, and the same is hereby, dismissed and cause remanded to the District Court of the Second Judicial District of the Territory of Arizona in and for Cochise County.

W. S. Ferris, et al.,
Appellants,
vs.
No. 1124. Joseph Ryan, et al.,
Appellees.

At this day, it is ordered by the Court that the motion that final judgment be entered in this cause be and the same is hereby granted.

W. S. Ferris, H. H. McKittrick and The Pacific Surety Company,
Appellants,
vs.
No. 1124. Joseph Ryan, T. C. Ryan and E. B. Ryan,
Appellees.

This Court in the above entitled action having heretofore, to-wit: on the 25th day of March, 1911, made and entered an order that the appellees should have a judgment in this court in their favor and against the appellants and their sureties in the sum of $67,435.39 with costs in the trial court, conditioned, however, that the appellees should within 20 days from the date of said order file a remittitur of the judgment of the lower court in this cause in the sum of $64,564.63, wherein the judgment of the lower court should be reversed, and that appellants should recover their costs in this court expended; and it appearing to the satisfaction of this court that the appellees heretofore, to-wit: on the 28th day of March, 1911, filed [illegible]

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remittitur in writing of the judgment of the lower court in the sum of $64,564.63 pursuant to said order, and that the appellees are now entitled to a judgment as specified and stated in said order.

Now, Therefore, it is ordered, adjudged and decreed that the appellees Jeph Ryan, T.C. Ryan, and E.E. Ryan, do have and recover of and from the appellants, W.S. Ferris and W. H. McKittrick, and United Surety Company, a corporation, surety upon the supersedeas fund on appeal, and the Pacific Surety Company, a corporation, surety upon the bond given in the Court below, the sum of sixty-seven thousand four hundred thirty-five and 39/100 ($67,435.39) dollars, with costs of the trial court.

It is furthermore ordered and adjudged that the appellants, W.S. Ferris and W. H. McKittrick have and recover their costs in this court against the appellees, Jeph Ryan, T.C. Ryan and E.E. Ryan, taxed at three hundred eighty-two and 20/100 ($382.20) dollars.

No. 1224

Josephine H. Saxon,
Appellant,
vs.
Joanna Forsyth and
Garber v. McKee, Trustees,
(E.L. Garber v. S.S. McKee).
Appellees.

The Motion to Dismiss the appeal and affirm the judgment of the lower court, filed herein by appellees, having been heretofore submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises:

It is ordered that said motion be granted, the appeal in the record and cause dismissed at the cost of the appellant, and that the judgment of the lower court be affirmed.

and the judgment of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellee herein, do have and recover of and from Josephine A. Saxon, appellant herein, and O. K. Franchini and S. Decker, sureties on Supersedeas Bond herein, the amount of the judgment rendered in the District Court of Santa Cruz County in this cause, together with their costs in this court, taxed at twelve and 95/100 ($12.95) dollars.

No. 1171.

Etta L. Sanford, et al.,
Appellants,
vs.
Santiago Arrea, Administrator with Will annexed of the Estate of Frank Ely, deceased,
Appellee.

At this day, it is ordered by the Court that the motion to make and allow findings of fact in the nature of a special verdict, filed herein by appellants, be, and the same is hereby, denied.

No. 1221.

John Bagle, Jr.,
Appellant,
vs.
Oro Plata Mining and Milling Company,
Appellee.

At this day, it is ordered by the Court that the motion to Dismiss the appeal, filed herein by appellee, be, and the same is hereby sustained

Nov. 10-'11 Michael Levy,
Appellant,
No. 296 vs.
Territory of Arizona,
Respondent.

At this day, comes A.R. Lynch, Esq., for appellant and herein, in open court, and gives notice of appeal to the United States Circuit Court of Appeals for the Ninth Circuit, from the judgment of this Court.

Report of the Board of Examiners,
for admission to the Bar.
November Term, 1911.

To the Supreme Court of the Territory of Arizona:

The Board of Examiners for admission to the Bar respectfully present the following report of the examination conducted by them at Phoenix, Arizona, on November 7th and 8th, 1911 and attach hereto as a part of this report the list of questions propounded to applicants, and a tabulated statement showing the subjects upon which the questions were propounded, the percentage secured by each applicant upon all the subjects upon which questions were propounded. In explanation of the system of marking shown upon the tabulated statement herewith attached, the Committee states that there was a total of 100 questions propounded; that the value of each question was "one" and that the standard of perfection corresponds with the total number of questions in each subject.

As a result of this examination, and based upon the tabulated statement above referred to, we respectfully recommend that the following named applicants who have [illegible]

evidence of their right to take this examination, and who have answered correctly more than 70 per cent of the questions propounded by the Board, be admitted at this term of Court to practice at the Bar of the Supreme Court of the Territory of Arizona, viz:

Geo. F. Sumner,
J. Hubbard Moore,
Joseph E. Noble,
Ora E. Overson,
F. H. Tucker,
Gilbert E. Green,
Edward A. Marshall, Jr.,
W. Houston Garage,
W. O. Harris.

Dated this 10th day of November, 1911.

Respectfully submitted,
Walter Bennett,
George J. Sturgeon.

The report of the Board of Examiners being accepted, the Court ordered that Geo. F. Sumner, J. Hubbard Moore, Joseph E. Noble, Ora E. Overson, F. H. Tucker, Gilbert E. Green, Edward A. Marshall, Jr., W. Houston Garage, and W. O. Harris, be admitted to practice in this court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court, Mr. Sumner, Mr. Moore, Mr. Noble, Mr. Overson, Mr. Tucker, Mr. Green, Mr. Marshall, Mr. Garage and Mr. Harris, took the required oath.

On motion of F. C. Kingsbury, Esq., it is ordered that A. E. Chandler, Esq., who has a certificate from the Supreme Court of the State of Georgia, be admitted to practice in this Court upon taking the oath prescribed by Chapter 76, Laws of 1907.

Whereupon, in open court, Mr. Chandler, [illegible]

Rec. 10/11 Whereupon, the afore court, Mr. Chandler took the original oath.

Fred L. Peachy,
Appellant,

No. 1220 vs.

O. D. McGaddis, J. H. Fleming as Administrator of the Estate of W. E. Sands, deceased, Joshua R. Clair, and Mrs. C. E. Sands and John L. Sands, Heirs at Law of said W. E. Sands, deceased,
Appellees.

The Motion to Dismiss the appeal filed herein by Appellees having been heretofore submitted and by the Court taken under advisement, and the Court having considered the same and being fully advised in the premises;

It is ordered that said Motion be granted and the appeal be and the same is hereby dismissed.

It is further ordered and adjudged that the appellees herein do have and recover of and from Fred L. Peachy, appellant herein, their costs in this cause in this court in this cause expended, taxed at

Taxed.

Michael Levy,
Appellant,

No. 2967 vs.

Territory of Arizona,
Respondent.

At this day, on motion of O. C. Lynch, Esq., for appellant herein, it is ordered by the Court that the Mandate in this cause be stayed for thirty days.

It is ordered that this Court stand adjourned sine die.

E. D. Doan
Chief Justice.

In the Supreme Court of the Territory of Arizona.

Fred S. Peachy,
Plaintiff in Error,
vs.
O. D. McGaddis, J. H. Rountree, as administrator of the estate of W. E. Sands, deceased, Joshua R. Clair and Mrs. A. R. Sands, and John L. Sands, heirs at law of W. E. Sands, deceased,
Defendants in Error.

No. 1230

Order.

Application having been made by the above named Plaintiff in Error for an order extending the time in the above entitled cause, in which to file and serve a printed abstract of record herein, and in which to file and serve his brief in support of his writ of error, and sufficient reason appearing therefor, now, on motion of H. M. Dearing, one of the attorneys for the Plaintiff in Error, above named, it is

Ordered that the time of the above named plaintiff in error in which to file and serve a printed abstract of the record herein, be, and the same hereby is extended to and including February 1, 1912, and the time of the Plaintiff in Error in which to file and serve his brief in support of his writ of error be, and the same hereby is extended to and including March 1, 1912.

Dated January 2, 1912.

(Signed) Edward E. Ellis
Chief Justice of the Supreme Court
of the Territory of Arizona.

Jan 8-12. Supreme Court, } Regular January Term A.D. 1912.
Territory of Arizona. } Phoenix, Arizona. Monday, Jan'y 8-1912
Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
F.A. Gritle Jr., Clerk
M.H. Calderwood, Crier,
T.J. Duncan, Bailiff.

There being no quorum of Justices present and in view of approaching Statehood, there being no business that the present Territorial Supreme Court can complete before Arizona becomes a State,

It is ordered that the Court stand adjourned sine die.

Edward Kent
Chief Justice.